

95 00064

# YOUNTVILLE ZONING ORDINANCE

To Be Read in Conjunction With The Yountville General Plan and Design Document

ORDINANCE 231-92 as Amended by ORDINANCE 243 -94



Amended February 8, 1994





The following persons contributed to the 1994 Yountville Zoning Ordinance

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Section 4.3 10% Final Design Review 12  
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Special thanks to the unnamed land owners and residents  
of Yountville who provided input during this amendment process.





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## Table 10: Summary of Results

Model	Accuracy	Precision	Recall	F1 Score
Model 1	0.85	0.82	0.88	0.85
Model 2	0.78	0.75	0.80	0.77
Model 3	0.80	0.78	0.82	0.80
Model 4	0.82	0.80	0.84	0.82
Model 5	0.84	0.81	0.86	0.84
Model 6	0.86	0.83	0.88	0.86
Model 7	0.88	0.85	0.90	0.88
Model 8	0.90	0.87	0.92	0.90
Model 9	0.92	0.89	0.94	0.92
Model 10	0.94	0.91	0.96	0.94
Model 11	0.96	0.93	0.98	0.96
Model 12	0.98	0.95	0.99	0.98
Model 13	0.99	0.97	0.99	0.99
Model 14	1.00	1.00	1.00	1.00
Model 15	1.00	1.00	1.00	1.00
Model 16	1.00	1.00	1.00	1.00
Model 17	1.00	1.00	1.00	1.00
Model 18	1.00	1.00	1.00	1.00
Model 19	1.00	1.00	1.00	1.00
Model 20	1.00	1.00	1.00	1.00
Model 21	1.00	1.00	1.00	1.00
Model 22	1.00	1.00	1.00	1.00
Model 23	1.00	1.00	1.00	1.00
Model 24	1.00	1.00	1.00	1.00
Model 25	1.00	1.00	1.00	1.00
Model 26	1.00	1.00	1.00	1.00
Model 27	1.00	1.00	1.00	1.00
Model 28	1.00	1.00	1.00	1.00
Model 29	1.00	1.00	1.00	1.00
Model 30	1.00	1.00	1.00	1.00
Model 31	1.00	1.00	1.00	1.00
Model 32	1.00	1.00	1.00	1.00
Model 33	1.00	1.00	1.00	1.00
Model 34	1.00	1.00	1.00	1.00
Model 35	1.00	1.00	1.00	1.00
Model 36	1.00	1.00	1.00	1.00
Model 37	1.00	1.00	1.00	1.00
Model 38	1.00	1.00	1.00	1.00
Model 39	1.00	1.00	1.00	1.00
Model 40	1.00	1.00	1.00	1.00
Model 41	1.00	1.00	1.00	1.00
Model 42	1.00	1.00	1.00	1.00
Model 43	1.00	1.00	1.00	1.00
Model 44	1.00	1.00	1.00	1.00
Model 45	1.00	1.00	1.00	1.00
Model 46	1.00	1.00	1.00	1.00
Model 47	1.00	1.00	1.00	1.00
Model 48	1.00	1.00	1.00	1.00
Model 49	1.00	1.00	1.00	1.00
Model 50	1.00	1.00	1.00	1.00
Model 51	1.00	1.00	1.00	1.00
Model 52	1.00	1.00	1.00	1.00
Model 53	1.00	1.00	1.00	1.00
Model 54	1.00	1.00	1.00	1.00
Model 55	1.00	1.00	1.00	1.00
Model 56	1.00	1.00	1.00	1.00
Model 57	1.00	1.00	1.00	1.00
Model 58	1.00	1.00	1.00	1.00
Model 59	1.00	1.00	1.00	1.00
Model 60	1.00	1.00	1.00	1.00
Model 61	1.00	1.00	1.00	1.00
Model 62	1.00	1.00	1.00	1.00
Model 63	1.00	1.00	1.00	1.00
Model 64	1.00	1.00	1.00	1.00
Model 65	1.00	1.00	1.00	1.00
Model 66	1.00	1.00	1.00	1.00
Model 67	1.00	1.00	1.00	1.00
Model 68	1.00	1.00	1.00	1.00
Model 69	1.00	1.00	1.00	1.00
Model 70	1.00	1.00	1.00	1.00
Model 71	1.00	1.00	1.00	1.00
Model 72	1.00	1.00	1.00	1.00
Model 73	1.00	1.00	1.00	1.00
Model 74	1.00	1.00	1.00	1.00
Model 75	1.00	1.00	1.00	1.00
Model 76	1.00	1.00	1.00	1.00
Model 77	1.00	1.00	1.00	1.00
Model 78	1.00	1.00	1.00	1.00
Model 79	1.00	1.00	1.00	1.00
Model 80	1.00	1.00	1.00	1.00
Model 81	1.00	1.00	1.00	1.00
Model 82	1.00	1.00	1.00	1.00
Model 83	1.00	1.00	1.00	1.00
Model 84	1.00	1.00	1.00	1.00
Model 85	1.00	1.00	1.00	1.00
Model 86	1.00	1.00	1.00	1.00
Model 87	1.00	1.00	1.00	1.00
Model 88	1.00	1.00	1.00	1.00
Model 89	1.00	1.00	1.00	1.00
Model 90	1.00	1.00	1.00	1.00
Model 91	1.00	1.00	1.00	1.00
Model 92	1.00	1.00	1.00	1.00
Model 93	1.00	1.00	1.00	1.00
Model 94	1.00	1.00	1.00	1.00
Model 95	1.00	1.00	1.00	1.00
Model 96	1.00	1.00	1.00	1.00
Model 97	1.00	1.00	1.00	1.00
Model 98	1.00	1.00	1.00	1.00
Model 99	1.00	1.00	1.00	1.00
Model 100	1.00	1.00	1.00	1.00





Figure 1

Town Map



## ARTICLE 1.

## GENERAL PROVISIONS

### SECTION 1.1 (formerly CITATION)

#### TITLE

This Title may be cited as the Yountville Zoning Ordinance or the Zoning Ordinance for the Town of Yountville.

### SECTION 1.2

#### PURPOSE

The purpose of this Zoning Ordinance is to promote, protect and preserve the health, safety, and general welfare of the public, and for the following more specified purposes:

- 1 to guide, control and regulate the future growth and development of the Town in a sound and orderly manner, and to promote achievement of the goals and purposes of the Yountville General Plan;
- 2 to protect and enhance the character and stability of agricultural, residential, commercial, industrial and other areas within the Town, and to promote achievement of the objectives and standards of the Design Ordinance;
- 3 to promote excellence of design in all future developments, and to preserve the internal beauty and established character of the Town.

### SECTION 1.3 CONSISTENCY AND IMPLEMENTATION

The Zoning Ordinance shall be an integrated, internally consistent and compatible statement of regulations for Yountville. It shall govern future development in companion with other regulating documents of the Town, including the Yountville General Plan and the Yountville Design Ordinance. The Zoning Ordinance implements the General Plan which has precedence. The Design Ordinance implements the design objectives and policies of the General Plan and has precedence in this area over the Zoning Ordinance.

### SECTION 1.4

#### INTERPRETATION

The provisions of this Zoning Ordinance shall be interpreted to promote public safety, health, convenience, comfort, prosperity, or general welfare of the community.

### SECTION 1.5

#### DEFINITIONS

For the purposes of this Zoning Ordinance, certain words and terms are defined in this section. In general, words used in the present tense include the future, words in the singular number include the plural, and the words in the plural number include the singular. Additional definitions are included in Sections 4.3, Mixed Residential; 4.4, Historic District; 4.7, Mobile Home Park Residential; 4.8, Primary Commercial; 5.1, Second Residential Units; 5.5, Retained Uses; 6.1, Affordable Housing; 6.3, Signs; 6.4, Open Space; 6.7, Condominium Conversions; 6.9, Flood Plain Management; and 7.3, Design Review.



*Zoning Ordinance  
General Provisions*

**ACCESSORY BUILDING**

A detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land. (See also accessory structure)

**ACCESSORY STRUCTURE**

A non-habitable detached building or structure which is subordinate and incidental to the main building on the lot. Accessory structures include: garages, carports, patio covers, gazebos, swimming pools, hot tubs or spas, and related equipment, workshops, storage sheds, greenhouses, and decks over 30 inches in height.

**ACCESSORY USE**

The performance of any function or operation, or the existence of any building which is incidental or subordinate to the principal.

**ACRE**

Gross Acre refers to the entire acreage of a site including developable and undevelopable portions, but not including any portion of existing street right-of-way.

Net Acre refers to the portion of a site that can actually be built upon. The following are not included in the net acreage of a site: public easements and right-of-ways, creek setback areas, and public open space.

**AFFORDABLE HOUSING**

Housing capable of being purchased or rented by a household with very low, low, or moderate income, based on a household's ability to make monthly payments necessary to obtain housing in Yountville.

**AGRICULTURAL PRESERVE**

Land designated for agriculture or conservation.

**ALTERATION**

An enlargement, addition, relocation, repair, or remodeling; a development or change in the open area; a change in facility excluding painting and ordinary maintenance for which no building permit is required; and the demolition or removal of any facility.

**ALLEY**

A narrow access way, either public or private, that provides a permanently reserved but secondary means of public access not intended for the sole means nor for through traffic circulation. (See also Design Ordinance - Residential Alley)

**ANIMAL**

Agricultural Animal shall mean an animal commonly kept on a farm, including but not limited to cows, sheep, horses, hogs and fowl.

Domestic Animal shall mean an animal commonly kept as a household pet.

Exotic Animal shall mean an animal customarily referred to as "wild" and kept in a public or private zoo, including but not limited to, tigers, lions, leopards, panthers, bears, pachyderms, rhinoceros, and poisonous reptiles.

**APARTMENT**

One or more rooms in an apartment house intended or designed to be occupied by one family for living and sleeping purposes and containing kitchen and bath facilities.

*Zoning Ordinance  
General Provisions*

**ARCHITECTURAL ELEMENT**

A non-habitable, but occupiable structural element attached to a building such as a balcony, bay window, deck, loggia, unenclosed porch, exterior stair, breezeway, fire escape or other exterior accessways, and attached carport open on three sides.

**ARCHITECTURAL FEATURE**

A non-occupiable design feature or element of a building such as eaves, awnings, sills, cornices, flumes, or chimneys.

**AVERAGE DENSITY PER NET ACRE**

A measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development area by the total number of net acres.

**AVERAGE DENSITY PER GROSS ACRE**

A measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development areas by the total number of gross acres.

**BASEMENT**

A portion of a building which has less than one-half of its height measured from the finished floor to the finished ceiling above the average grade of the adjoining ground. A basement is not deemed a story unless the ceiling is four feet or more above average grade.

**BED AND BREAKFAST**

Usually a dwelling unit, but sometimes a small inn, often consisting of eight or less guest rooms with shared bathroom facilities, that provides lodging and breakfast for temporary overnight occupants, for compensation.

**BUILDING**

Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING COVERAGE**

The land area covered by all buildings on a lot, including all projections except architectural features and architectural elements as discussed in Chapter I, Section B.2 and C.1, of the Design Ordinance.



**BUILDING HEIGHT**

The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall of the building.

**BUILDING PLATE HEIGHT**

The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the plate line of the exterior walls which is the horizontal plane where the exterior walls meet the roof rafters or trusses.

**BUILDING SITE**

The land areas occupied by or capable of being covered by all structures permissible under this Ordinance.

**CHARACTER**

Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality.

**CHARACTER OF DEVELOPMENT**

This term refers to the extent that a particular development promotes, augments, and maintains the pattern of buildings, public spaces and streets, as well as, the social ambiance of an area or a particular place within an area.

**COMMON ACCESS**

A common driveway serving 2 or more lots.

**CONGESTION MANAGEMENT PLAN (CMP)**

A document employing growth management techniques, including traffic level of service requirements, standards for public transit, trip reduction programs involving transportation systems management and jobs/housing balance strategies, and capital improvement programming, for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development.

**CORNER LOT**

A lot located at the intersection of two or more streets or private ways, or bounded on two or more adjacent sides by street lines.

**COULD**

This term indicates a prerogative, possibility, or contingency; it is not mandatory.

**DAY-CARE CENTER**

A State-authorized, certified or residential day-care facility serving children, in which such care is conducted as a business.

**DENSITY (NET)**

A measure of intensity of a development, determined by dividing the total number of dwelling units on a particular lot by the number of net acres of the given lot.

*Zoning Ordinance  
General Provisions*

**DEVELOPMENT**

Any human-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DRIVEWAY**

The surface areas providing access from a road to an off-street parking area, or a garage or carport.

**DWELLING UNIT**

A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one house-hold on a long-term basis.

**EXTENSIVE IMPACT**

Effects such as, but not limited to: excessive noise, light, traffic circulation, disruption, vibrations, airborne emissions or liquid effluent associated with operations.

**FACTORY OUTLET**

Any premises where there are retail sales of products which are fabricated or produced on the same premises.

**FAMILY**

One or more persons related by blood, marriage or legal adoption, or a group of persons living together who constitute a single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind.

**FLAG LOT**

A lot with substandard frontage and an access corridor connecting the lot to the street.

**FLOOR AREA (COMMERCIAL)**

The sum of the gross areas of the floors of a building or buildings measured from the exterior faces of exterior walls or from the center lines of party walls separating such buildings. Floor area excludes the following:

- 1 Uncovered areas used for off-street parking spaces or loading areas and access ways and maneuvering aisles relating thereto;
- 2 Areas which qualify as usable open space under the town regulations of this Ordinance; and
- 3 Arcades, patios and similar open areas which are located at or near street level, which are accessible to the general public and, which are not designed or used as sales, display, storage, service or production areas.
- 4 Architectural Features

**FLOOR AREA (RESIDENTIAL)**

The sum of the gross areas of the floors or stories of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of party walls separating such buildings. Floor area excludes the following:

- 1 Unenclosed porches and other architectural elements of up to 250 square feet per lot;
- 2 Basements where the ceiling is less than four feet above the average grade; and
- 3 Four hundred square feet of any garage that is on the rear one-half of a lot (except in RS District and H District lots of less than 5,000 square feet);



*Zoning Ordinance  
General Provisions*

- 4 Architectural Features;
- 5 Non-habitable attics;
- 6 Swimming pools, spas and related equipment;
- 7 Landscape elements;
- 8 Uncovered parking areas.

**FLOOR AREA RATIO (FAR)**

This term refers to the gross floor area of a building or buildings on the lot of record divided by the gross area of such lot. The resulting figure, expressed as a ratio, reflects the allowable structural density. For example, a 1.0 FAR could provide for a one story building that covers the entire lot or a two story building that covers half the lot. A 1.0 FAR would allow 10,000 square feet of floor area on a 10,000 square foot lot.

**FRONTAGE**

The dimension of a lot or portion of a lot abutting a street, except the side of a corner lot.

**GARAGE**

A structure, designed and/or used for the shelter or storage of motor vehicles by the occupants of a dwelling, including covered parking spaces.

**HOME OCCUPATION**

An art, profession, offering of service, conduct of business or handicraft manufacture of products conducted solely in the dwelling unit, a portion of a garage or an accessory building, by an inhabitant in a manner incidental to the residential occupancy.

**HOTEL, MOTEL AND INN**

Any building, consisting of guest rooms with a private bathroom, where lodging is offered to the public for compensation for any period less than thirty days. These uses are included as commercial uses in this Ordinance.

**INTENSITY**

A term used to indicate the degree of concentration, amount of activity and lot coverage associated with a particular type of land use.

**LANDSCAPE ELEMENTS**

Structural elements, such as patios, arbors, trellises, planters, attached decks under 30 inches in height that are part of the outdoor landscaping.

**LOADING AREA**

An off-street area on the same lot as a building or contiguous to a group of buildings or the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate access way.

**LOT AREA**

The total horizontal area measured in a horizontal plane within the lot lines bordering the property. Easements from common driveway and access ways, or private road rights-of-way shall not be used for calculation of building coverage or floor area ratio.

*Zoning Ordinance  
General Provisions*

**LOT**

See "Lot of Record."

**LOT OF RECORD**

A lot of record is defined as any lot existing and recorded as a separate parcel in the office of the County Assessor at the effective date of this Ordinance.

**LOT LINE**

The lines bounding a lot as defined herein.

**LOT LINE, FRONT**

On an interior lot: any abutting street line. On a corner lot: the shorter of any adjacent two abutting street lines. However, if such street lines, or portions thereof, are equal in length, the owner or developer of the lot may select either as the front lot line. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than 45 degrees, both such street lines or portions thereof shall be deemed front lot lines. On a flag lot: the front lot line will be determined at the time of application.

**LOT LINE, REAR**

A lot line which is opposite and most distant from the front lot line and in case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

**MAIN BUILDING**

A building in which the principal or conditional use of the lot is situated.

**MAXIMUM ALLOWABLE RESIDENTIAL DENSITY**

The maximum number of dwelling units per gross acre permitted in the land use designation.

**MINOR MODIFICATIONS**

Minor changes to an existing structure that does not result in a noticeable change to the front elevation, or changes to the rear or side elevations that would increase height of the roof line or intrude on the privacy of adjacent lots, and other improvements determined by the Planning Officer to be minor and incidental and within the intent and objectives of this ordinance and the Design Ordinance..

**NON-CONFORMING USE**

A use which lawfully occupied a building or was conducted upon land at the time this Ordinance became effective and which no longer complies with the use regulations of the area in which it is located.

**OPEN SPACE**

Any front, side and rear yards or setbacks, courts, usable open space or area not covered by buildings, parking or refuse service area provided in order to meet the requirements of this Ordinance. (See also Section 6.4, Open Space)

**PARCEL**

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

*Zoning Ordinance  
General Provisions*

**PARKING LOT**

An off-street open area or portion thereof solely for the parking of motor vehicles. Such an area or portion thereof shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Ordinance for any building or use, and whether classified as an accessory, principal or conditional use.

**PARKING SPACE**

A stall covered or uncovered, laid out for, surfaced, and used or designed to be used by motor vehicle parking.

**PERSON**

An individual or his agent, firm, partnership, association or corporation, or agent of such groups, or this state, its agencies or political subdivisions.

**PHYSICAL IMPROVEMENT**

See "Alteration." (See also Section 7.3, Design Review)

**PLANNING OFFICER**

The Planning Officer is any person employed or retained by the Town to administer and enforce this Ordinance.

**PORCH**

A covered, open area that may be screened, but not enclosed or incorporated into the building.

**REST HOME**

The premises used for the housing of and caring for the aged or infirm, which premises require a license from the State or County. There shall be only incidental convalescent care not involving a physician practicing or with an office on the premises. There shall be no surgery or other similar activities such as are customarily provided in sanitariums and hospitals.

**SCALE OF DEVELOPMENT**

This term refers to the degree to which a new development provides, maintains and promotes continuity in terms of height, bulk, intensity and density in relation to surrounding buildings and uses.

**SETBACK LINE**

A line established by this Ordinance to govern setbacks.

**SETBACKS**

Front Setback is a separation between the front lot line and buildings within the lot; it regulates the depth of front yards.

Side Setback is a separation between the adjacent lot lines and buildings within a lot; it regulates the depth of side yards.

Rear Setback is a separation between the rear or alleyway lot line and buildings within a lot; it regulates the depth of rear yards.

**SHALL**

This term is mandatory and not discretionary and is used as a directive indicating obligation, requirement, unequivocal direction or compulsion.



*Zoning Ordinance  
General Provisions*

**SHOULD**

This term indicates obligation or requirement and is slightly less rigid of a directive than shall.

**SIGN**

Anything used for the purpose of advertising, announcing, declaring, displaying, or demonstrating a service, product, business, or activity, or of attracting the attention of the public for the same.

**STREET**

A public street with right-of-way or private road, excluding an alley, that affords a primary means of access to abutting property.

**STRUCTURE**

Anything constructed or erected, the use of which requires a location or attachment on the ground, including a walled and roofed building, an above ground storage tank, as well as a manufactured home.

**STRUCTURE ALTERATIONS**

Any change in the supporting members of a building, such as the bearing walls, columns, beams or girders.

**TOWN**

This term refers to the incorporated Town of Yountville.

**TOWN COUNCIL**

This term refers to the Town Council of the Town of Yountville.

**USE**

The purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

**USABLE OPEN SPACE**

Outdoor area on ground, balcony, deck or porch which is designed and accessible for outdoor living, and recreation. (See also Section 6.4, Open Space)

**WILL**

This term, used as a verb, indicates a requirement or an emphatic condition of a requirement; used as a directive; mandatory.

**YARD**

Unobstructed land surrounding a building site, except for encroachments permitted by this Ordinance, .

**YARD, FRONT**

A yard extending across the full width of a lot, measured between the street line (or the lot line connected to a street by legal access), and the nearest line of the main building, excluding porches or balconies. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

**YARD, SIDE**

A yard on each side of the building extending from the front lot line to the rear lot line, measured between the sideline of the lot and the nearest part of the main building, excluding porch, or balconies.

**YARD, REAR**

A yard extending across the full width of the lot, measured between the rear line of the lot and the nearest part of the main building.

**ZONING AND DESIGN REVIEW BOARD (ZDRB)**

This is a separate body, created by the Town Council, that discusses planning matters in public session, considers public comments, offers advice to the Town Council and has authority as granted by this Ordinance. This board consists of five residents of the Town, appointed by the Town Council, none of whom shall be Town Officers, employees or members of the Town Council.

**SECTION 1.5**

**REPEALED ORDINANCES  
AND RESOLUTIONS**

The following ordinances of the Town of Yountville are hereby repealed: Ordinance numbers: 97, 101, 104, 116, 118, 123, 131, 132, 144, 145, 146, 150, 1515, 2157, 163, 168, 169, 174, 178 and all ordinances, and portions of ordinances, in conflict as a result. Ordinance numbers stated above refer to Zoning Ordinances prior to 1992.

The following resolution of the Town of Yountville are hereby repealed:  
Resolution number 779.



## ARTICLE 2. COMPLIANCE AND ENFORCEMENT

### SECTION 2.1                      LEGAL PROCEDURES AND PENALTIES (previously Section 107)

Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the Napa County Jail for a term not to exceed six months, or by both such fine and imprisonment. Such persons shall be deemed guilty of a separate offense for each and every day, considered to be any time period within a day when a violation of this Ordinance is committed, continued or permitted by such person.

### SECTION 2.2                      COMPLIANCE WITH OTHER REGULATIONS (previously Section 112)

Where conflict occurs between the regulations of this Ordinance and the building code or other regulations effective within the Town, the more restrictive regulation shall apply except in areas of building and site design where the Design Ordinance shall apply.

The provisions of this Ordinance are not intended to interfere with or annul any easements, covenants or other agreements between parties, except where this Ordinance imposes a greater restriction upon the use of building or premises, upon height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants or agreements; in such case, the provisions of this Ordinance shall govern.

### SECTION 2.3                      VOIDING PERMITS FOR NON-COMPLIANCE (previously Section 108)

All departments, officials and public employees of the Town which have the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue a permit or license for uses, buildings, or purposes in conflict with this Ordinance; any permit or license issued that conflicts with this Ordinance shall be null and void.

### SECTION 2.4                      USE OR BUILDING CONTRARY TO PROVISION (previously Section 105)

Any building set up, erected, built, or moved and/or any use of property contrary to the provisions of this Ordinance shall be declared to be unlawful and a public nuisance. The Town Attorney shall, upon order of the Town Council, immediately begin action or proceedings in a manner provided by law and shall apply to a court with jurisdiction to grant relief to abate, remove, restrain and enjoin any person from setting up, erecting, building, or moving any such building and/or using any property contrary to the provisions of this Ordinance.

*Zoning Ordinance  
Compliance & Enforcement*

SECTION 2.5

REMEDIES

*(previously Section 106)*

All remedies in this Ordinance shall be cumulative and not exclusive.

SECTION 2.6

SEVERABILITY

*(previously Section 109)*

If any Article, Section, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the validity of the remaining portions of this Ordinance shall not be affected.

SECTION 2.7

HEALTH, SAFETY AND GENERAL WELFARE

*(previously Section 111)*

The provisions of this Ordinance shall be interpreted to promote the minimum requirements for health, safety, and the general welfare of the community.



Zoning Ordinance  
Zoning By Land Use Designation

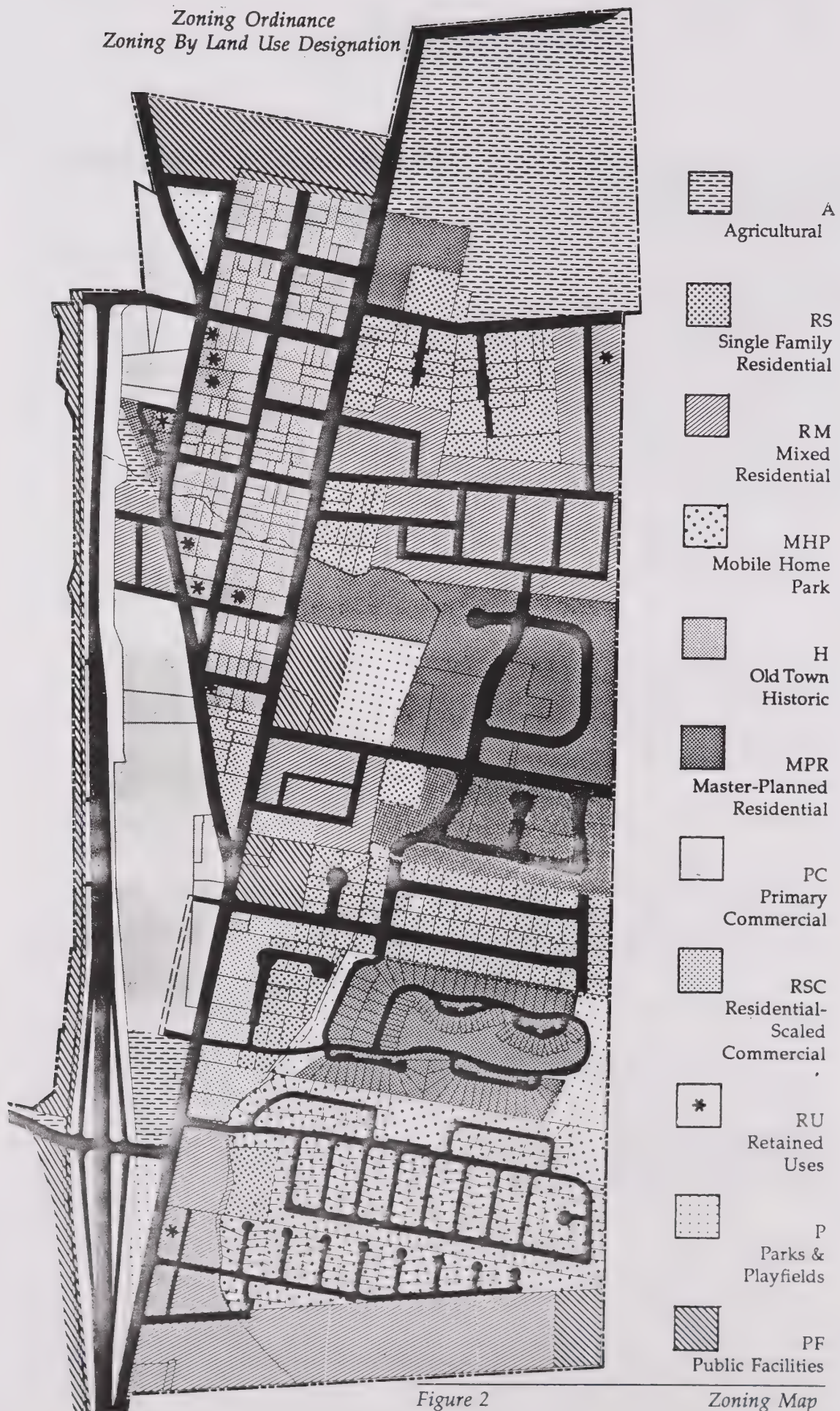


Figure 2

Zoning Map

## ARTICLE 3. ZONING BY LAND USE DESIGNATION

### SECTION 3.1

### ZONING MAP

*(previously Section 203)*

The Zoning Map of the Town of Yountville designates land use for all lands within the town limits, with the exception of the Veterans Home of California which is zoned as public facilities. Figure 2 is a reduced reproduction of the original drawing at 1" = 200' scale which is on file with the Town Clerk. Full size copies of the map may be obtained at Town Hall.

### SECTION 3.2

### MAP BOUNDARIES

*(previously Section 202)*

Boundaries for each Land Use Designation are as shown upon the Zoning Map of the Town of Yountville. This map and all adopted amendments, changes, extensions, legends, symbols, notations, and references shall be a part of this Ordinance. The general regulations set forth in Article 1 and the specific conditions for each Land Use Designation, and Composite & Overlay Designations are established and effective upon all lands included within the boundaries of each and every parcel as shown upon the Zoning Map.

### SECTION 3.3

### RULES GOVERNING ZONING MAP

*(previously Section 204)*

Where the boundaries of any Land Use Designation are not clearly identifiable, the following rules of interpretation shall apply:

- 1 The boundaries shall be deemed to be on street and alley lines whenever it appears to be on the line;
- 2 The boundaries of subdivided property and lots divided by a Land Use Designation that are not indicated by written dimensions shall be determined by the descriptions and documents as recorded by the Use Permit or other such reference;
- 3 The designation of property indicated by a symbol on the Zoning Map shall apply, in each instance, to the whole of the area within the Land Use Designation boundaries; and
- 4 The regulations applicable to a property shall apply equally to an officially vacated or abandoned abutting street or alley.

### SECTION 3.4

### ESTABLISHMENT OF LAND USE DESIGNATIONS

*(previously Section 104)*

The Zoning Map consists of Land Use Designations established within the incorporated territory of the Town. In order to regulate and restrict the use of land or buildings or the practice of certain trades or occupations, Land Use Designations are established in this Ordinance. Chapter II of the Design Ordinance establishes, by building type, specific standards to regulate and restrict the location, height, and size of buildings hereafter erected, enlarged, altered, moved or maintained.



*Zoning Ordinance*  
*Zoning By Land Use Designations*

SECTION 3.5

LAND USE DESIGNATIONS

*(previously Section 201)*

The following Land Use Designations shall apply to all lands within the Town of Yountville:

A     Agricultural  
RS    Single Family Residential  
RM    Mixed Residential  
H     Old Town Historic  
PF    Public Facilities  
MPR   Master-Planned Residential  
MHP   Mobile Home Park  
PC    Primary Commercial  
RSC   Residential-scaled Commercial

SECTION 3.6

COMPOSITE & OVERLAY DESIGNATIONS

The following Composite & Overlay Designations shall apply to all lands within the Town of Yountville as established by the Land Use Designations:

SRU   Second Residential Unit  
HO    Home Occupations  
C     Creekside Overlay  
F     Floodplain Overlay  
RU    Retained Uses Overlay

## ARTICLE 4. LAND USE DESIGNATIONS

### SECTION 4.1

### A-AGRICULTURAL

*(previously, Section 208)*

#### 4.1.a

#### Purpose and Application

The Land Use Designation A, Agricultural, is intended to permit reasonable use, and to encourage the preservation of productive land. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.1 shall apply to such designated lands.

#### 4.1.b

#### General Conditions

The following general conditions shall apply to all land designated as A, Agricultural:

- 1 There shall be not more than one dwelling unit for each 10 acre tract or parcel; and
- 2 Design standards that regulate specific FAR, height, and other aspects of permitted building types are established in Chapter II of the Design Ordinance.

#### 4.1.c

#### Permitted Uses

The following uses shall be permitted under Land Use Designation A, Agricultural.

- 1 All agricultural uses including horticulture, floriculture and viticulture except to engage in keeping hogs;
- 2 The residence of the owner or lessee of the premises while conducting a permitted use, except where noted in Chapter III, Section B.11, of the Design Ordinance;
- 3 Accessory uses which are subordinate and complementary to the primary use; and
- 4 Open Space.

#### 4.1.d

#### Uses Requiring a Use Permit

The following use shall require a Use Permit as provided in Section 7.6:

- 1 Commercial facilities for processing or retail sale of agricultural products that are grown on the premises, except where noted in Chapter III, Section B.11, of the Design Ordinance; and
- 2 Uses deemed by the Town Council to be similar to the above mentioned.

#### 4.1.e

#### Criteria for a Use Permit

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.1.d above:

- 1 The proposed use promotes the health, safety, and welfare of residents;
- 2 The proposed use is consistent with intent of the General Plan;
- 3 The proposed use is consistent with Section 4.1.a;
- 4 The proposed use conforms with applicable design standards established in the Design Ordinance;
- 5 The proposed use will not generate an increase in truck or other vehicular traffic on the local street network;
- 6 The proposed use does not require excessive amounts of water;
- 7 The proposed use does not result in wastes which have intolerable odors or burden the town's waste disposal capacity;
- 8 The proposed use does not include a food service facility, such as a restaurant, cafe, deli or similar facility as an accessory or subordinate use;
- 9 The proposed use will not result in excessive levels of noise, beyond that associated with the harvesting of the agricultural product, for any period of time; and
- 10 The proposed use will not be detrimental to existing uses in the surrounding area.

**SECTION 4.2**  
*(previously Section 210)*

**RS-SINGLE-FAMILY RESIDENTIAL**

**4.2.a**

**Purpose and Application**

The Land Use Designation RS-Single-Family Residential is intended to provide residential areas where development is limited to low density concentrations of single-family dwellings. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.2 shall apply to such designated lands.

**4.2.b**

**General Conditions**

The following general conditions shall apply to all land designated as RS, Single-family Residential:

- 1 Residential density shall not exceed seven units per gross acre;
- 2 Dwelling units shall be single-family detached houses; and
- 3 Lot sizes are limited to a minimum of 4,000 square feet and to a maximum of 8,000 square feet.
- 4 Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Chapter I, Section C.3 and Chapter II, Section C.1.5 of the Design Ordinance.

**4.2.c**

**Permitted Uses**

The following uses shall be permitted within the Land Use Designation RS-Single-family Residential, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 One single-family dwelling;
- 2 Accessory buildings and uses for each lot of record; and
- 3 Agricultural uses which include horticulture, floriculture, and viticulture but exclude commercial nurseries, or the keeping of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises.

**4.2.d**

**Uses Requiring a Use Permit**

The following uses shall require a Use Permit as provided in Section 7.6, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 One Second Residential Unit located on a lot which contains one single family detached dwelling unit as provided for in Section 5.1 of this Ordinance;
- 2 Home Occupations as established in Section 5.2;
- 3 Private schools in residential buildings that offer instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State-licensed daycare centers and nursery schools, provided that the facility cares for no more than six children. This use shall be accessory to residential use and shall not convert or preclude residential use;
- 4 Uses deemed by the Town Council to be similar to the above mentioned.



*Zoning Ordinance*  
*Land Use Designations*

**4.2.e**

**Criteria for a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.2.d above:

- 1 The proposed use promotes the health, safety, and welfare of residents;
- 2 The proposed use is consistent with the intent of the General Plan;
- 3 The proposed use is consistent with Section 4.2.a above; and
- 4 The proposed use will not be detrimental to existing uses in the surrounding area.

## SECTION 4.3

## RM-MIXED RESIDENTIAL

### 4.3.a

#### Purpose and Application

The Land Use Designation RM, Mixed Residential, is intended to encourage development of a variety of housing types, and a combination of single-family and multi-family dwellings. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.3 shall apply to such designated lands.

### 4.3.b

#### Supplemental Definitions

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Definitions, Section 1.6, of this Ordinance.

#### DUPLEX

A singular detached building, with two private entrances, that is designed to be occupied as residences for two households or families living independently of each other.

#### TRIPLEX

A singular detached building, with three private entrances, that is designed to be occupied as residences for three households or families living independently of each other.

#### FOURPLEX

A singular detached building, with four private entrances, that is designed to be occupied as residences for four households or families living independently of each other.

### 4.3.c

#### General Conditions

The following general conditions shall apply to all land designated as RM, Mixed Residential:

- 1 Dwelling units which are a mix of building types including single-family, houses, duplexes, and other multi-family housing types, and are in character and scale with adjacent existing housing are permitted;
- 2 Residential density for properties identified in Figure III-20 of the General Plan shall not exceed the lower number of stated units if onsite affordable housing is not provided, and shall not exceed the upper limit of stated units when sufficient onsite affordable housing is provided to qualify for a density bonus as specified in Section 6.1. Residential density for properties not identified in Figure III-20 shall be determined by Design Ordinance requirements for setback, FAR, etc; but no more than four units per lot shall be allowed. Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Chapter I, Section C.3 and Chapter II, Section C.1-5 of the Design Ordinance: and
- 3 Lot sizes shall be limited to a minimum of 4,000 square feet and a maximum of 8,000 square feet.
- 4 Applications for RM, Mixed Residential, shall follow the Master Development Plan and Review process as established in Section 7.4. except where the lot of record is already subject to an approved and final Master Development Plan.

4.3.d

**Permitted Uses**

The following uses shall be permitted within the Land Use Designation RM, Mixed Residential, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 One single-family dwelling, including accessory buildings or uses, for each lot of record;
- 2 One Second Residential Unit for each lot of record, that conforms to the conditions established in Section 5.1 of this Ordinance, and is built concurrently with a Primary Residential Unit;
- 3 One Duplex for each lot of record;
- 4 Agricultural uses which include horticulture, floriculture, and viticulture but exclude commercial nurseries, or the keeping of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises;

4.3.e

**Uses Requiring a Use Permit**

The following uses shall require a Use Permit as provided in Section 7.6, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 One Second Residential Unit for each lot of record, that conforms to the conditions established in Section 5.1 of this Ordinance, but is not built concurrently with a Primary Residential Unit or a single-family dwelling;
- 2 Home Occupations as established in Section 5.2;
- 3 Private schools which offer instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State licensed daycare centers and nursery schools, provided that the facility cares for no more than six children. This use shall be accessory to the residential use and shall not convert or preclude residential uses;
- 4 Multiple unit buildings such as Triplex or Fourplex for each lot of record; and
- 5 Uses deemed by the Town Council, to be similar to the above mentioned.

4.3.f

**Criteria for a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.3.e above:

- 1 For Second Residential Units, the proposed unit is consistent with Section 5.1;
- 2 For Triplex and Fourplex units the proposed units:
  - a are consistent with the intent of the General Plan;
  - b are consistent with Section 4.3.a above;
  - c conform with applicable design standards established in the Design Ordinance;
  - d do not exceed the total permitted units as established by the Final Master Development Plan for the proposed lot of record; and
  - e meet affordability requirements, as applicable;
- 3 The proposed use will not be detrimental to existing or proposed uses in the surrounding area.



## SECTION 4.4

## H-OLD TOWN HISTORIC

*(previously Section 214)*

### 4.4.a

### Purpose and Application

The Land Use Designation H, Old Town Historic is intended to maintain Old Town's historical character and provide for new residential development. To promote the preservation of the historic character of Old Town, maintenance and rehabilitation of older structures is encouraged. Design Review shall be required for all construction to ensure that new and renovated structures reinforce the character and scale of Old Town. Existing legal non-conforming uses within Old Town have been rezoned as "Retained Use" to ensure their longevity. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.4 shall apply to these designated lands.

### 4.4.b

### Supplemental Definitions

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Section 1.6, Definitions, of this Ordinance.

#### DETERIORATION

This term refers to the condition of a structure that requires repair as a result of unsafe or unsightly structural integrity or appearance. The range of deterioration can include major structural damage, such as an unsafe foundation, to minor damage, such as peeling paint or damaged parapets.

#### EXPANSION OF USE

The term expand or expansion of use refers to an increase in the square footage devoted to commercial uses, and also refers to an expansion in the intensity of use even though there may be no increase in square footage. An increase in intensity includes, but is not limited to, an increase in hours of operation, a change in use, products or services which generate more customers or traffic than an existing use and an increase in the noise level or effect of an existing or new commercial activity.

#### RENOVATION

This term refers to the repair and/or partial reconstruction of a deteriorated structure to an earlier or original state, as opposed to the demolition of the building.

### 4.4.c

### General Conditions

The following general conditions shall apply to lands designated as H, Old Town Historic:

- 1 The dwelling units shall be predominately single-family detached houses on small lots. However, duplexes and other types of multi-family dwelling units which harmonize with the character and scale of existing single-family houses are permitted with a Use Permit as established in Section 4.4.e;
- 2 The residential density for single family homes shall not exceed one unit per lot of record or eight dwelling units per gross acre. The residential density for multi-family dwellings shall be determined by Design Ordinance requirements for setbacks, FAR's, etc. Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Chapter I, Section C.3 and Chapter II, Section C.1-5 & E and Chapter III, Section A.1-10 of the Design Ordinance.
- 3 Lot sizes shall be limited to a minimum of 5,000 square feet and a maximum of 8,000 square feet.

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- 4 Any lot at the time of adoption of this Ordinance that is used solely for residential purposes must remain hereafter in residential use, even if the residential use is terminated or the building is destroyed or demolished;
- 5 Any lot legally created after the date of adoption of this Ordinance that was a portion of a larger lot that was used solely for residential purposes prior to the date of adoption of this Ordinance shall remain solely in residential use;
- 6 Existing commercial uses within Old Town, identified in Chapter D.6.5 of the General Plan shall be consistent with conditions established in the Overlay Designation RU, Retained Uses, Section 5.5 of this Ordinance;
- 7 The owner, lessee or property manager of a structure shall keep the exterior portion of the structure in good condition and free from deterioration;
- 8 No person shall carry out or cause to be carried out, without first applying for and receiving Design Review approval according to Section 7.3, any exterior construction or alteration other than painting or demolition, unless, in the opinion of the Planning Officer, the construction or alteration will not cause a major change in the external appearance of the structure or feature;
- 9 None of the provisions of this Section 4.4 shall be interpreted to prevent any construction, alteration, or demolition necessary to correct an unsafe or dangerous condition of any structure or feature, where such a condition has been declared unsafe or dangerous by a building official or fire department and where the proposed construction, alteration, or demolition has been declared absolutely necessary to correct the unsafe or dangerous condition. Any correction shall be performed in accordance with this Section 4.4. In the event any structure or feature shall be damaged by fire, calamity, Act of God or the public enemy to such an extent that it cannot be reasonably repaired or restored, the structure or feature may be removed in accordance with normal permit procedures and applicable laws;
- 10 Signs shall follow the provisions established in Section 6.3 of this Ordinance with the exception that no individual sign shall exceed 12 square feet in size;
- 11 Additional requirements for development in the Historic District are specified in Chapter I.D of the Design Ordinance.

**4.4.d**

**Permitted Uses**

The following uses shall be permitted within the Land Use Designation H, Old Town Historic, and are subject to Design Review as provided in Section 7.3 of this Ordinance:

- 1 One single-family dwelling, for each lot of record;

**4.4.e**

**Uses Requiring a Use Permit**

The following uses shall require a Use Permit as provided for in Section 7.6, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 One Second Residential Unit, per lot of record, as established in Section 5.1;
- 2 One Duplex per lot of record on the minimum lot size as established in Chapter II, Section C.2 of the Design Ordinance;
- 3 Triplex, Fourplex, or multifamily unit dwelling of 5 or more units (if affordable housing density bonus criteria are met) per lot of record on the minimum lot size as established in Chapter II, Section C.3 of the Design Ordinance;
- 4 Home Occupations as established in Section 5.2.
- 5 Commercial uses as outlined in Section 5.5, Retained Uses, of this Ordinance and Chapter III.A of the Design Ordinance;
- 6 Private schools which offer instructions in several branches of learning and study required to be taught in public schools by the Education code of the State of California and State licensed day care centers and nursery school provided that the

facility cares for no more than six children. This use shall be accessory to the residential use and shall not convert or preclude residential uses;

- 7 Churches and religious institutions;
- 8 Privately owned non-profit recreational facility or areas; and
- 9 Uses deemed by the Town Council to be similar to the above mentioned.

**4.4.f Criteria for Commercial or Non-Residential Uses**  
In addition the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for commercial or non-residential uses listed in Section 4.4.e above:

- 1 The proposed commercial or non-residential use promotes the health, safety, and welfare of residents;
- 2 The proposed commercial or non-residential use is consistent with the intent of the General Plan;
- 3 The proposed commercial or non-residential use is consistent with Section 4.4.a;
- 4 The proposed commercial or non-residential use conforms to the design standards established in Chapter I and Chapter II, Section A & B and Chapter III, Section A.1-10 of the Design Ordinance;
- 5 The proposed commercial or non-residential use is compatible with the residential character of Old Town; and
- 6 The proposed commercial or non-residential Use meets the requirements of Section 6.5.

**4.4.g Criteria for Residential Uses**  
In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.3.e above:

- 1 For Second Residential Units, the proposed unit is consistent with Section 5.1;
- 2 For Triplexes, Fourplexes, and multi-family buildings of 5 or more units (if affordable housing density bonus criteria are met) the proposed units:
  - a are consistent with the intent of the General Plan;
  - b are consistent with Section 4.3.a above;
  - c conform with applicable design standards established in Chapter I and Chapter II, Section A, B & C.1-5 of the Design Ordinance;
  - d do not exceed the permitted gross density for the proposed lot of record; and
  - e meet affordability requirements, if applicable; and
- 3 The proposed use will not be environmentally detrimental to existing or proposed uses in the surrounding area.



**SECTION 4.5**  
*(previously Section 219)*

**PF-PUBLIC FACILITIES**

**4.5.a Purpose and Application**  
The Land Use Designation PF, Public Facilities, is created to accommodate governmental, public utility and public educational facilities. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.5 shall apply to such designated lands.

**4.5.b General Conditions**  
All improvements in areas designated PF, Public Facilities, shall be consistent with the approved Master Plan on file with the Town of Yountville. These improvements include but are not limited to the following:

- 1 The area and frontage of the lot involved shall be sufficient for the specific intended use; and
- 2 Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Chapter II of the Design Ordinance. The minimum required front, side and rear yards under this designation shall be not less than those required in the most restrictive abutting Land Use Designation.

**4.5.c Permitted Uses**  
The following uses shall be permitted in the PF, Public Facilities, designation:

- 1 All facilities owned, leased or operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District, any other public district, or any public utility as defined by the public utilities code of the State of California, when such facilities and uses are in conformity with the Yountville General Plan.

**4.5.d Uses Requiring a Use Permit**  
The following uses shall be required to obtain a Use Permit as established in Section 7.6 and shall be subject to design review as provided in Section 7.3 of this ordinance:

- 1 State licensed day care centers and nursing homes; and
- 2 A nonprofit organization or association;
- 3 Any other private or quasi-public use as determined by the Town Council.

**4.5.e Criteria for a Use Permit**  
In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.5.d above:

- 1 The proposed use is consistent with the intent of the General Plan;
- 2 The proposed use is consistent with Section 4.5.a above; and
- 3 The proposed use is not detrimental to the existing or proposed uses in the surrounding area.

## SECTION 4.6

(previously Section 209)

## MPR-MASTER PLANNED RESIDENTIAL

## 4.6.a

## Purpose and Application

The Land Use Designation MPR, Master Planned Residential, has been created to preserve the character of master planned developments and neighborhoods that are existing and/or under construction at the time of adoption of this Ordinance. The designation of a MPR area avoids creation of large areas of nonconformity as a consequence of enacting this Ordinance. The legal, administrative and individual problems that would be created by making these areas non-conforming is needless. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.6 shall apply to such designated lands.

## 4.6.b

## Supplemental Definitions

**Minor Modifications:** Minor changes to an existing residential structure that do not result in a noticeable change to the front elevation or changes to the rear or side elevations that would increase height of the roofline or intrude on the privacy of adjacent lots. Examples of minor modification include bay windows, privacy walls, new porches, and rear one story additions of 200 square feet or less.

## 4.6. c

## General Conditions

The following general conditions shall apply to all lands designated as MPR, Master Planned Residential:

- 1 No new housing units within or boundary expansion of existing MPR developments shall be allowed;
- 2 Minor modifications that are consistent with the conditions outlined below in Subsection 4.6.d and in the Master Plan on file at Town Hall shall be permitted and shall require review and approval by the Planning Officer or Zoning & Design Review Board as appropriate;
- 3 All improvements in MPR developments shall be consistent with the approved Master Plan on file with the Town of Yountville. These improvements include but are not limited to the following:
  - a The location, dimension and specified material for all roadways, walkways, bikeways, view corridors, and easements shown on the approved Master Plan;
  - b The location, distribution, size and dimension of all lots or parcels of land shown on the approved Master Plan;
  - c The location, setbacks and height limits of all buildings and structures specified in the approved Master Plan;
  - d The material finish and articulation of approved elevations for all buildings associated with the Master Plan;
  - e The number, type, species, size and distribution of all landscape plantings and materials specified in the approved landscape plan shown in the Master Plan; and
  - f The location, size and material required for all utilities (water, sewer, drainage, irrigation, gas and electrical) as specified in the approved Master Plan.
  - g The location, height, and material for fences as required in the fencing plan of the approved Master Plan.

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**4.6.d**

**Permitted Uses**

The following uses shall be permitted for lands designated as MPR, Master Planned Residential:

- 1 Only those uses and densities shown on the approved Master Plan on file at the Town of Yountville shall be allowed.
- 2 Minor modification of existing residential structures and accessory structures and uses are subject to approval by the Planning Officer or Zoning & Design Review Board as appropriate.

**4.6.e**

**Uses Requiring a Use Permit**

The following uses require a Use Permit as provided in Section 7.6

- 1 Home Occupations

**4.6.f**

**Criteria for a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after holding a public hearing, shall make the following findings before granting a Use Permit for a proposed Use listed in Section 4.6.e above:

- 1 The proposed Use is consistent with Section 5.2;
- 2 The proposed Use is:
  - a Consistent with Section 4.6.a above;
  - b Conforms with applicable design standards established for the approved Master Development Plan for the property;
- 3 The proposed Use will not be detrimental to existing or proposed Uses in the surrounding area.

**4.6.g**

**Modification and Amendments**

Any major proposed modification or amendment to approved Master Plan within a MPR development must be processed as an amended application under the provisions of Section 7.4, Master Development Plan Review, of this Ordinance. Prior to the approval of any modification or amendment the Town Council shall deliver the findings as outlined in Section 7.4.f. of this Ordinance. Minor changes to an approved Master Plan may be authorized subject to prior written consent of the Town's Planning Officer, provided the minor changes are consistent with the purpose and conditions of the approved Master Plan. Minor changes shall not include alterations to land use and densities, formerly established lot and street boundaries, nor the location of specific land features. Minor modifications in existing residential structures within an MPR Development must be consistent with the materials and articulation concept of the approved elevations and must not intrude on the privacy of adjacent lots. Regulations for accessory structures shall the same as established for single-family houses in Section 4.2 of this Ordinance, and Section C.1 of the Design Ordinance.



## **SECTION 4.7 MHP-MOBILE HOME PARK RESIDENTIAL** *(previously Section 215)*

### **4.7.a**

#### **Purpose and Application**

The Land Use Designation MHP, Mobile Home Park Residential, has been created to protect mobile home residents from the conversion of existing mobile homes to conventional types of housing. The MHP designation reinforces the Town's policy to provide affordable housing, retain its existing housing stock, and safeguard mobile homes from potential economic forces that could encourage their removal. Specified parcels are indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 4.7 shall apply to such designated lands.

### **4.7.b**

#### **Supplemental Definitions**

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Section 1.6, Definitions, of this Ordinance.

#### **MOBILE HOME**

A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single-family dwelling unit and which 1) has a minimum of 400 square feet of living space; 2) has a minimum width in excess of 102 inches; 3) is connected to all available permanent utilities; and 4) is tied down a) to a permanent foundation on a lot either owned or leased by the homeowner or b) is set on piers, with wheels removed and skirted, in a mobile home park.

#### **MOBILE HOME PARK**

A development in which all dwelling units are mobile homes.

### **4.7.c**

#### **General Conditions**

The following general conditions shall apply to all land designated as MHP, Mobile Home Park Residential:

- 1 No building permit shall be issued and no building shall be constructed for any purposes or uses in a MHP designation which is not consistent with the approved Master Development Plan;
- 2 The regulations established in this Section 4.7 shall prevail where in conflict with other regulations established in Article 6 of this Ordinance and Chapter II, Section C..5 of the Design Ordinance;
- 3 There shall be no yard or setback restrictions for uses which are part of an approved Master Development Plan; and
- 4 Residential density shall not exceed eight units per gross acre.

### **4.7.d**

#### **Permitted Uses**

The following uses are permitted on all land designated as MHP, Mobile Home Park:

- 1 All mobile home parks existing at the date this Ordinance was enacted that were approved by the proper authorities at the time of their construction and had all permits and approvals necessary for their legal construction. These mobile home parks are deemed to have approved Master Development Plans under this Ordinance and to have all the rights of any other development which may receive approval of a Master Development Plan. These existing mobile home parks are conforming uses under the provisions of this Ordinance. Minor modifications and accessory structures require review and approval by the Planning Officer.

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**4.7.e**

**Uses Requiring a Use Permit**

The following uses require a Use Permit as provided in Section 7.6:

- 1 Recreational uses;
- 2 Home Occupations as established in Section 5.2; and
- 3 Uses deemed by the Town Council to be similar to the above mentioned.

**4.7.f**

**Criteria For a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.7.e above:

- 1 The proposed use is consistent with the intent of the General Plan;
- 2 The proposed use is consistent with Section 4.6.a and 4.6.b above; and
- 3 The proposed use promotes the health, safety, and welfare of residents.

**SECTION 4.8**  
*(previously Section 216)*

**PC-PRIMARY COMMERCIAL**

**4.8.a**

**Purpose and Application**

The Land Use Designation PC, Primary Commercial, is intended to reinforce Washington Street as the main commercial street in Yountville and to promote the economic health and diversity of businesses throughout the town. This designation shall apply to specified parcels fronting on the west side of Washington Street and as indicated on the Zoning Map, in Figure 2. The following specific rules and regulations set forth in this Section 4.8 shall apply to lands designated as PC, Primary Commercial.

**4.8.b**

**Supplemental Definitions**

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Section 1.6, Definitions, of this Ordinance.

**RESTAURANT**

A building where meals are served to the public and does not provide drive-through service, with the following exception: seating which serves as an accessory use to the primary use (which is not a restaurant) and is limited to 16 seats for which table service is not provided.

**LIVE WORK BUILDING OR UNIT**

A building or portion of building (unit) utilized for the combination of working and living in which the work space exceeds 25 percent of the total floor area.

**4.8.c**

**General Conditions**

The following general conditions shall apply to all land designated as PC, Primary Commercial:

- 1 All new uses and expanded uses shall require a Use Permit and new development proposals shall be subject to the provisions of Section 6.5 Impact on Adjacent Uses Section 7.3, Design Review, and Section 7.4, Master Development Plans & Review, of this Ordinance. Expansion or exterior remodeling of a commercial or residential structure shall require design review as provided in Section 7.3;
- 2 Buildings are not required to be residential in scale, however, commercial development shall be of a use, scale and intensity that promotes the town's rural character, and shall comply with the design standards established in Chapter II, Section D.1 & D.3 & E, of the Design Ordinance which regulate FAR, height, open space, and other aspects of permitted building types; and
- 3 Parking shall be accommodated in small lots and screened from public view where possible, as established Section 6.2 of this Ordinance; and in Chapter I, Section A.2 and Chapter II, Section D, of the Design Ordinance.

**4.8.d**

**Uses Requiring a Use Permit**

The following uses require a Use Permit as provided in Section 7.6, and are subject to Design Review as provided in Section 7.3 of this Ordinance:

- 1 All primary uses commercial in nature including such uses as a bakery, food stores, variety shops, services, professional offices, restaurants as defined in 4.8.b above, inns, and other uses deemed by the Town Council to be similar in kind;
- 2 Accessory uses which are subordinate and complementary to the primary use;
- 3 Commercial facilities for processing or retail sale of agricultural products that are grown on the premises;



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- 4 Residential uses in combination with commercial uses, including residential units over commercial uses, residential units adjacent to commercial uses;
- 5 Live/work units or buildings which meet the design standards outlined in Chapter II, Section D.3 of the Design Ordinance; and
- 6 Home Occupations as established in Section 5.2.

4.8.e

Criteria for a Use Permit

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 4.8.d above:

- 1 The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c of the General Plan;
- 2 The proposed use is consistent with Sections 4.8.a and 4.8.c above;
- 3 The proposed use provides benefit to residents;
- 4 The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- 5 The street network is suitable and adequate to carry projected traffic generated by the proposed use;
- 6 The design of the structure or structures for the proposed use is compatible with the character of the surrounding area;
- 7 The existing or proposed utility, police and fire services are adequate to serve the proposed use;
- 8 The proposed use conforms with the design standards as established in Chapter II, Section D.1 & D.3 of the Design Ordinance;
- 9 The proposed use will not generate a significant increase in truck traffic on the local street network;
- 10 The proposed use will not require excessive amounts of water;
- 11 The proposed use will not generate excessive wastes which result in offensive or noxious odors or excessive burden on the town's waste disposal capacity; and
- 12 The proposed use will not result in excessive levels of noise for any period of time; and
- 13 Findings of Section 6.5 of this ordinance.

**SECTION 4.9                      RSC-RESIDENTIAL-SCALED COMMERCIAL**

**4.9.a    Purpose and Application**

The Land Use Designation RSC, Residential-scaled Commercial, is intended to reinforce Washington Street as the main commercial street in Yountville, and to ensure appropriate transition to adjacent residential neighborhoods. This designation shall apply to specified parcels fronting on the east side of Washington Street and the "Y" at the center of town, as indicated on the Zoning Map, in Figure 2. The following rules and regulations established in this Section 4.9 shall apply to lands designated as RSC, Residential-scaled Commercial.

**4.9.b    General Conditions**

The following general conditions shall apply to all land designated as RSC, Residential-scaled Commercial:

- 1 All new uses shall require a Use Permit and new development proposals shall be subject to the provisions of Section 6.5 Impact on Adjacent Uses, Section 7.3, Design Review, and Section 7.4, Master Development Plans & Review, of this Ordinance. Expansion or exterior remodeling of a commercial or residential structure shall require design review as provided in Section 7.3;
- 2 Commercial development shall be of a use, scale and intensity which preserves and promotes the town's rural scale and character;
- 3 Buildings shall be residential in scale, and street-oriented with pedestrian entrances from the street. Building height, massing and size shall be compatible with adjacent residential development, and comply with the design standards established in Chapter II, Section D.2, of the Design Ordinance;
- 4 Parking shall be accommodated in small lots and screened from public view as established in Chapter I, Section A.2 and Chapter II, Section D.2, of the Design Ordinance; and
- 5 Uses are encouraged which serve daily needs of the town's residents.

**4.9.c    Uses Requiring a Use Permit**

The following uses require a Use Permit as provided in Section 7.6, and are subject to Design Review approval as provided in Section 7.3 of this Ordinance:

- 1 All primary uses commercial in nature including such uses as a small bakery, food stores, variety shops, services, professional offices, and other uses deemed by the Town Council to be similar in kind. Inns or new restaurants, and other business that rely principally on visitors for their clientele shall not be permitted. Expansion of existing restaurants shall comply with FAR limitations established in Chapter II, Section D.2, of the Design Ordinance;
- 2 Accessory uses which are subordinate and complementary to the primary use;
- 3 Residential uses in combination with commercial uses, including residential units over commercial uses, residential units adjacent to commercial uses;
- 4 Live/work units or buildings which meet the design standards outlined in Chapter II, Section D.3, of the Design Ordinance; and
- 5 Home Occupations as established in Section 5.2.

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**Criteria for a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use designated as RSC, Residential-scaled Commercial:

- 1 The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c, of the General Plan;
- 2 The proposed use is consistent with Section 4.9.a and 4.9.b above;
- 3 The proposed use provides benefit to residents;
- 4 The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- 5 The street network is suitable and adequate to carry projected traffic which is generated by the proposed use;
- 6 The design of the structure or structures is compatible with the character of the town;
- 7 The existing or proposed utility, police and fire services are adequate to serve the proposed use; and
- 8 The proposed use conforms with the design standards as established in Chapter II, Section D.2, of the Design Ordinance; and
- 9 Findings of Section 6.5 of this ordinance.



## **ARTICLE 5.COMPOSITE & OVERLAY DESIGNATIONS**

### **SECTION 5.1**

### **SRU-SECOND RESIDENTIAL UNITS**

*(previously section 312)*

#### **5.1.a**

#### **Purpose and Application**

The Composite Designation SRU, Second Residential Unit, is intended to encourage the development of affordable rental housing within the town. These types of dwelling units are commonly referred to as mother-in-law-units, granny-flats and accessory-apartments. The following specific rules and regulations established in this Section 5.1 shall apply in combination with the Land Use Designations established in Article 4.

#### **5.1.b**

#### **Supplemental Definitions**

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Section 1.6, Definitions, of this Ordinance.

#### **SECOND RESIDENTIAL UNIT**

A dwelling unit that provides complete, independent living facilities for one or more persons and that is located on a lot containing a larger Primary Residential Unit.

#### **PRIMARY RESIDENTIAL UNIT**

A single-family detached dwelling unit that is located on the same lot as an attached or detached smaller Second Residential Unit.

#### **5.1.c**

#### **General Conditions**

The following general conditions shall apply to all lands where the Overlay Designation SRU, Second Residential Units, is allowed by Use Permit:

- 1 A Use Permit shall be required for the creation of a Second Residential Unit except as stated in 4.3.d.3, permitted uses in Mixed Residential;
- 2 Any Use Permit granted for a Second Residential Unit shall be reviewed at the time of any change of ownership of the subject property;
- 3 Whenever a Use Permit is granted in accordance with this Section 5.1, the Town shall record a Notice of Grant of Use Permit, which will inform all potential owners of the subject property that a Use Permit has been granted, and that a review of its terms and conditions is required at the time of change of ownership. Failure by the Town to record such a notice shall not constitute a waiver of the review conditions;
- 4 There shall be no more than one Second Residential Unit per lot; and
- 5 Requirements for building height, setbacks, yards and similar design standards that apply to the Primary Residential Unit shall apply to the Second Residential Unit except as established in Chapter II, Section C.4 ,of the Design Ordinance.
- 6 Second Residential Units qualify for FAR exemption of up to 300 square feet in residential areas. In commercial areas an additional .05 FAR is allowed for residential uses.

**5.1.d**

**Criteria For a Use Permit**

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed Second Residential Unit:

- 1 The floor area of the Second Residential Unit shall not exceed the habitable floor area of the Primary Residential Unit or 600 square feet, whichever is less;
- 2 Where creation of a Second Residential Unit requires construction of a new structure or a change in the external appearance of an existing structure, Design Review approval shall be required in accordance with the provisions of Section 7.3;
- 3 A Second Residential Unit may be located within, attached to, or detached from the Primary Residential Unit, provided that in all cases there shall be a separate exterior entrance for the Second Residential Unit;
- 4 The Primary Residential Unit must meet minimum building code requirements prior to occupancy of the Second Residential Unit;
- 5 A Second Residential Unit is a Dwelling Unit which is on the same parcel as the Primary Residential Unit;
- 6 A minimum of one off-street parking space shall be provided for each Second Residential Unit;
- 7 A Second Residential Unit shall otherwise conform to the applicable standards and requirements of the Land Use Designation in which it is to be located;
- 8 A Second Residential Unit shall have independent heating and cooling controls;
- 9 A Second Residential Unit shall have its own kitchen with sink and standard built-in or freestanding appliances; and
- 10 A Second Residential Unit shall have its own bathroom with bath or shower.

**SECTION 5.2**  
*(previously Section 301)*

**HO - HOME OCCUPATIONS**

**5.2.a**

**Purpose and Application**

The Composite Designation HO, Home Occupations, is intended to establish regulations for all occupations to be conducted within a dwelling unit. The following specific rules and regulations established in this Section 5.2 shall apply in combination with the Land Use Designations established in Article 4.

**5.2.b**

**General Conditions**

The following general conditions shall apply in all lands where the Composite Designation HO, Home Occupations, is allowed by Use Permit:

- 1 The area devoted to a Home Occupation shall occupy no more than 25 percent of the gross floor areas of the dwelling unit, portion of garage and accessory buildings;
- 2 Home occupations conducted within a garage shall not eliminate or change the use of required off-street parking spaces;
- 3 Employment shall be restricted to the dwelling unit residents except where the Planning Officer allows one non-resident employee, provided the following findings can be made:
  - a The employee works under the direction of the dwelling resident and is not an independent or separate business enterprise;
  - b The employee is necessary to the performance of the home occupation;
  - c Hours of operation are between 8:00 a.m. and 6:00 p.m.;
  - d The employee would not require the use of the required parking for the residence or create on-street parking problems in the neighborhood;
  - e The average residential neighbor would not be aware of the existence of the Home Occupation, under normal circumstances;
- 4 No exterior operation of any Home Occupation is permitted;
- 5 The Home Occupation shall not generate pedestrian or vehicular traffic beyond that which is normal to the surrounding area;
- 6 Articles offered for sale in a Home Occupation shall be limited to those produced on the premises, except where the person conducting the Home Occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored and sold directly to customers, at off-premise locations;
- 7 No outside display or window shall display material or products; no outside sign or window sign shall advertise or otherwise identify the Home Occupation except for one non-moving and non-illuminated sign with a display surface of not more than one square foot on any face. No commercial or passenger vehicle carrying any sign advertising or identifying the Home Occupation shall be regularly parked on any portion of the lot where such sign is visible or at or near any lot line of the lot containing the Home Occupation; and
- 8 No Home Occupation shall be permitted which:
  - a Creates noise, odor, electrical disturbances, dust, vibrations, fumes, or smoke readily discernible at the exterior boundaries of the parcel on which it is situated;or



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- b Involves the storage of equipment, vehicles, or supplies outside of the dwelling or any accessory structure; the care, treatment, or boarding of animals for profit; the operation of a beauty salon with more than two hair drying machines, teaching of organized classes totaling four or more persons at any one time, or the repair, service, or rehabilitation of more than one vehicle at a time including storage and parking on the lot or street.
- c Involves the storage of toxic or hazardous materials.

**SECTION 5.3**  
*(previously Section 220)*

**C-CREEKSIDE OVERLAY**

**5.3.a** **Purpose and Application**  
Hopper Creek constitutes an important physical, environmental and aesthetic resource and asset to all of the citizens of the Town of Yountville; it should be preserved and enhanced for present and future generations. The creek and its surroundings are subject to periodic flood inundation, causing life and property losses, as well as, health and safety hazards.

The Overlay Designation C, Creekside, is intended to promote the following: 1) to protect private and public lands from flood damage caused by deposits of debris and other materials collected by flood waters; 2) to protect the riparian cover and wildlife habitat extending along the creek by preventing erosion of the creek's banks and siltation of the creek's waters; 3) to preserve the existing natural and visual character of Hopper Creek and its environs; and 4) to promote the broader social, economic and environmental well-being of the town.

The following regulations shall apply to the C, Creekside, Overlay Designation and to any Land Use Designation where C, Creekside, Overlay Designation is applicable. The following specific rules and regulations established in this Section 5.3 shall apply in combination with the Land Use Designations established in Article 4. The provisions of this Section 5.3 shall govern in the event that these regulations impose a greater restriction upon building than those required elsewhere in this Ordinance or the Design Ordinance. Any variance from the regulations established for this Overlay Designation shall be governed by the provisions established in Section 7.5 of this Ordinance.

**5.3.b** **General Conditions**  
The following general conditions shall be required for all lands where the Overlay Designation C, Creekside, is applicable:

- 1 A setback line on both sides of Hopper Creek which runs parallel and is measured 35 feet from the centerline of the creek and not less than 10 feet from the creek bank shall be referred to as the Hopper Creek setback area;
- 2 No buildings, wall, fence, or other structure shall be erected, constructed or placed within the Hopper Creek setback area;
- 3 It is prohibited to deposit, excavate or remove any material within the Hopper Creek setback area;
- 4 No native vegetation or tree that has a trunk larger than three inches in diameter measured at ground level shall be removed within the Hopper Creek setback area;
- 5 Conditions may be waived by the Town Council only if it is determined that the proposed work will not increase any danger of flooding to any part of the Town of Yountville, and that the proposed work will assist in achieving the goals stated in Section 5.3.a;
- 6 The word "structure," as used in this Section 5.3, shall not include an at grade patio and any trail, walk, and path.
- 7 Any structure that now lawfully exists within the Hopper Creek setback area may be continued as an existing legally non-conforming use; provided however, that in the event that the structure is destroyed or demolished, it may be rebuilt only in conformity with the provisions of this Section 5.3.

**SECTION 5.4**  
(previously Section 221)

**F-FLOODPLAIN OVERLAY**

**5.4.a**

**Purpose and Application**

The Overlay Designation F, Floodplain, is intended to promote the health, safety, and welfare, and to minimize public and private loss as a result of flood hazards.

The following regulations shall apply to the F, Floodplain, Overlay Designation and to any Land Use Designation where F, Floodplain, Overlay Designation is applicable. The following specific rules and regulations established in this Section 5.2 shall apply in combination with the Land Use Designations established in Article 4. The provisions of this section shall govern in the event that these regulations impose a greater restriction upon building than those required elsewhere in this Ordinance or in Chapter I, Section B.3 of the Design Ordinance. Any variance from the regulations established for this Overlay Designation shall be governed by the provisions established in Section 6.9, Floodplain Management.

**5.4.b**

**Permitted Uses**

The following uses shall be permitted in any Land Use Designation combined with the Overlay Designation F, Floodplain:

- 1 Uses permitted by the Land Use Designation where the F, Floodplain, Overlay Designation is combined are subject to the standards and requirements specified in the Floodplain Management Regulations, in Section 6.9, of this Ordinance;
- 2 Substantial improvement of existing structures subject to the regulations specified in the Floodplain Management Regulations, in Section 6.9, of this Ordinance;
- 3 Improvements, repairs, reconstruction of existing structures that do not conform to the definition of alterations, are exempt from the Floodplain Management Regulations, in Section 6.9, of this Ordinance; and
- 4 Public parks and recreational development, except for rest rooms and accessory facilities, which shall be located and constructed in accordance with applicable health and building regulations, and designed to withstand flood inundation.

**5.4.c**

**Uses Requiring Use Permit**

The following uses in any Land Use Designation that is combined with Overlay Designation F, Floodplain, shall require a Use Permit according to Section 7.6:

- 1 Filling of land area, construction of levees or dikes or other flood structures designed to protect property from natural flooding, subject to the standards and requirements specified in Section 6.9, Floodplain Management Regulations.



## SECTION 5.5

## RU-RETAINED USES OVERLAY

### 5.5.a

#### Purpose and Application

The Overlay Designation RU, Retained Uses, is intended to permit reasonable commercial use of designated properties, and to preserve the varied character of Old Town and other primarily residential neighborhoods. It is not the intent of this designation to encourage or cause legally established existing commercial uses to revert or be replaced with residential uses. As needs change, specific commercial use may change. This designation shall apply to the specified parcels listed below and as indicated on the Zoning Map, in Figure 2. The following specific rules and regulations established in this Section 5.2 shall apply in combination with the Land Use Designations established in Article 4 and Chapter III.A of the Design Ordinance.

### 5.5.b

#### Supplemental Definitions

The following terms applicable to this section shall be defined as stated below. Other definitions can be found in Section 1.6, Definitions, of this Ordinance.

#### RETAINED USES

This term is created for the sole purpose of maintaining commercial base, existing businesses, and commercial uses most of which are located within Old Town, and are important components of Yountville's small town rural character. The term applies to the buildings, structure, signs and the associated uses for a given parcel, which existed prior to the adoption of this Ordinance.

### 5.5.c

#### General Conditions

The following general conditions shall be required on lands where the Overlay Designation RU, Retained Uses, is shown on the Zoning Map, in Figure 2.

- 1 Existing residential structures or portions of structures will not be allowed to convert to commercial use;
- 2 Any lot legally created subsequent to the date of adoption of this Ordinance that was a portion of a larger lot used solely for residential purposes prior to the date of adoption of this Ordinance, shall remain solely in residential use;
- 3 Regulations for residential development shall be the same as those established for the underlying land use designation;
- 4 Dwelling units which are a mix of building types, including single-family houses, duplexes and other multi-family housing types and are in the character and scale of adjacent existing housing are permitted. These dwelling units are subject to regulations established for the underlying land use designation and Design Ordinance regulations according to dwelling types;
- 5 All new development proposals will be subject to the design review as established in Section 7.3;
- 6 Modifications and additions to existing building or structures will be permitted provided that the changes do not result in an adverse impact on adjacent uses, as established in Section 6.5, or negatively impact the character of the town;

In addition to 1-7 above, the following conditions shall apply to that portion of a parcel which is occupied or utilized by any legally established existing commercial use and any accessory or subordinate use prior to the adoption of this Ordinance:

- 8 Existing commercial use and related buildings shall be as described in and recorded on the existing Use Permit for a given parcel. In the event there is no existing Use Permit, the extent of the existing commercial use and related buildings shall be legally established through the questionnaire process outlined in Section 5.5h below;
- 9 New buildings and structures that replace, in identical location and configuration, the legally established existing commercial buildings and structures, are required to be residential-in-scale and shall comply with design standards as established in Chapter III, Section A.1-10 of the Design Ordinance;
- 10 None of the provisions of this Section 5.5 shall be interpreted to prevent any construction, alteration, or demolition necessary to correct an unsafe or dangerous condition of any structure or feature, where such a condition has been declared unsafe or dangerous by a building official or fire department and where the proposed construction, alteration, or demolition has been declared absolutely necessary to correct the unsafe or dangerous condition. Any correction shall be performed in accordance with this Section 5.5. In the event any structure or feature shall be damaged by fire, calamity, Act of God, or the public enemy to such an extent that it cannot be reasonably repaired or restored, the structure or feature may be removed in accordance with normal permit procedures and applicable laws;
- 11 The owner, lessee or property manager of a structure shall keep the exterior of the existing building and structures in good condition and free from deterioration;
- 12 The expansion of a legally established existing commercial use, or a change in a legally established existing commercial use, shall be allowed only in a legally established existing commercial structure and subordinate or accessory structures, but will not be allowed in any existing residential structure;
- 13 Any change in commercial use in Old Town shall not result in an adverse impact on adjacent uses as established in Section 6.5;
- 14 Signs shall follow the provisions established in Section 6.3 of this Ordinance, except that no individual sign shall exceed 12 square feet in size;
- 15 New parking for new or legally established existing commercial uses shall be accommodated in small lots and screened from public view as established in Chapter I, Section A.2 and Chapter II, Section D of the Design Ordinance.

**5.5.d**

**Uses Requiring a Use Permit**

All uses within the Overlay Designation RU, Retained Uses, shall require a Use Permit as provided in Section 7.6 and all new structures and modifications to existing structures are subject to the Design Review as established in Section 7.3 of this Ordinance. Any changes or expansion of Use shall be required to meet the provisions of Section 4.9 Residential Scaled Commercial which includes Master Development Plan as per Section 7.4 of this ordinance.

- 1 Residential uses including single-family and multi-family dwelling units, as established for the underlying land use designation;
- 2 Any building, sign or use which exists on the parcels listed in Section 5.5.g and for which a permit has been lawfully granted prior to the effective date of an amendment of this Ordinance, may be completed and used in accordance with the approved plans, provided construction is started and diligently pursued to completion in accordance with applicable Town building codes. This building, sign or use shall, from then on, lawfully exist;
- 3 Home occupations as established in Section 5.3;

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In addition to 1-3 above, the following uses may be permitted by a Use Permit of an underlying Land Use Designation for that portion of a parcel which is occupied or utilized by an legally established existing commercial use and any accessory or subordinate use:

- 4 All uses commercial in nature, including small bakery, food stores, variety shops, bed/breakfast inn, services, professional offices, and other uses deemed by the Town Council to be similar in kind and within the general envelope of the existing buildings or structures;
- 5 Accessory uses which are subordinate to and complementary to the primary use;
- 6 Residential uses combined with commercial uses, including residential units over commercial uses and residential units adjacent to commercial uses; and
- 7 Live/work units or buildings that meet the design standards outlined in Chapter II, Section D.3, of the Design Ordinance.

5.5.e

Criteria for a Use Permit

In addition to the findings listed in Section 7.6.b, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use designated as RU, Retained Uses:

- 1 The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c of the General Plan;
- 2 The proposed use is consistent with Section 5.5 above;
- 3 The proposed use provides benefit to residents;
- 4 The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- 5 The street network is suitable and adequate to carry projected traffic generated by the proposed use;
- 6 The existing or proposed utility, police and fire services are adequate to serve the proposed use; and
- 7 The proposed Use is consistent with provisions outlined in Chapter III.A of the Design Ordinance.

5.5.f

Changes in Use

The provisions established in Section 7.6.e of this Ordinance shall apply to all Retained Uses with the stipulation that any change in use shall require review by the Town Council. For all Retained Uses, the Planning Officer shall not be authorized to grant approval of a change in use.

5.5.g

Specific Parcels and Businesses

The provisions as established by this Section 5.5 shall apply to the following parcels and their businesses which existed prior to the adoption of this Ordinance.

- |    |               |  |
|----|---------------|--|
| 1  | APN 36-033-01 | Yountville Market                          |
| 2  | APN 36-033-15 | Pancha's Bar                               |
| 3  | APN 36-033-14 | McGrath's Garage                           |
| 4  | APN 36-090-05 | Napa Valley Express /Napa Valley Wine Soap |
| 5  | APN 36-090-05 | Debbie's Beauty Salon /The Massage Place   |
| 6  | APN 36-040-11 | Knight Lumber                              |
| 7  | APN 36-053-04 | Webber Place                               |
| 8  | APN 36-051-03 | Bordeaux House                             |
| 9  | APN 36-051-05 | French Laundry                             |
| 10 | APN 36-061-15 | Former Post Office                         |
| 11 | APN 36-440-01 | Burgundy House                             |



**5.5h**

**Questionnaire Process**

Following the adoption of this Ordinance, the Planning Officer shall notify the property owners of commercial uses designated as Retained Uses under the provisions of this Ordinance, which do not have an approved Use Permit. The identified property owners shall be required to complete a questionnaire process to legally define the extent of the existing commercial use. The intent of the questionnaire process is to establish what the Retained Use consists of currently and in no way provide for a projected need. A questionnaire shall be provided by the Town Clerk, and include the following information:

- 1 A legal description and parcel map;
- 2 A description of the existing business or commercial activity;
- 3 The gross square footage of the primary building and accessory or subordinate structures associated with the commercial use;
- 4 The existing building height including any architectural projections;
- 5 All building setbacks from streets, adjacent property lines and separations between adjacent buildings;
- 6 Existing parking and access drives provided for the existing commercial use;
- 7 Existing trees and other significant landscaping; and
- 8 Additional information deemed by the Planning Officer as necessary.

Upon completion of the questionnaire process, the Planning Officer shall determine that the submitted information accurately reflects the existing commercial use and related buildings currently on the property. If so, the Planning Officer shall deem that the questionnaire become the legal record of the Retained Use. From that time forward, all future changes in use or expansion of the legally established existing commercial use shall follow the provisions of this Section 5.5. Appeals to decisions made by the Planning Officer may be filed under the provisions and procedures established in Section 7.7.

## **ARTICLE 6. SUPPLEMENTAL ORDINANCES**

### **SECTION 6.1 PROVISIONS FOR AFFORDABLE HOUSING** *(previously Section 311)*

#### **6.1.a**

#### **Purpose and Application**

The intent of the affordable housing policy established in this section is to provide housing for people of all income levels who live and work in Yountville, however, its fulfillment depends on the initiative of the Town and the private efforts of developers and landowners. The basis of this policy is inclusionary zoning and an incentive system which grants bonus dwelling units for providing affordable housing units within a development and a Floor Area Ratio (FAR) bonus on single unit and multiple family unit lots. This policy is designed to provide an economic incentive to developers, landowners or the Town to build affordable housing units, but has provisions for payment of an established in-lieu fee in the event a developer or landowner elects not to build the affordable housing units. The Town Council shall have the obligation to see to it that affordable housing is provided for low and very-low income levels. There are also "fair-share" fees for non-residential designated land. In-lieu and "fair-share" fees provide a funding source for the maintenance and rehabilitation of existing affordable housing and potential Town-assisted development. Affordable housing in Yountville is considered to be that which is accessible to people of median-income level or below. The rules and regulations established in this Section 6.1 shall apply to all unbuilt lands designated for residential or commercial uses.

#### **6.1.b**

#### **Supplemental Definitions**

The following terms applicable to this section shall be defined as follows. Other definitions can be found in Section 1.5, "Definitions", of this Ordinance.

#### **ADDITIONAL INTERIOR AMENITY**

Additional interior amenities include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space, bathrooms in excess of one, etc.

#### **DENSITY BONUS**

An increase in total number of dwelling units permitted when specific conditions for affordable housing are met.

#### **FAR BONUS**

An increase in the allowable FAR of dwelling units when specific criterion for affordable housing are met.

#### **NAPA VALLEY HOUSING AUTHORITY**

A joint-powers housing authority comprised of representatives from the County of Napa, St. Helena, Yountville, Calistoga and American Canyon for the purpose of promoting and assisting in the development of affordable housing.

#### **YOUNTVILLE HOUSING AUTHORITY**

A commission comprised of the Town Council whose purpose is to promote and assist in the development of affordable housing, and whose authority has been transferred to the Napa Valley Housing Authority via the joint-powers agreement.

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**HOUSING OPPORTUNITY FUND**

Monies received from developers or builders in the form of in-lieu fees and fair-share fees for use exclusively in the development of affordable housing for low and very-low income levels.

**INCOME ELIGIBILITY**

The method for determining income eligibility shall be established by resolution of the Town Council, and may be amended from time to time.

**IN-LIEU FEE**

A fee established annually by the Affordable Housing Resolution and paid to the Town by developers or builders subject to this Ordinance in-lieu of providing the required affordable housing units.

**MEDIAN INCOME**

Median-income applicable to Napa County, adjusted for family size, and published at least annually according to the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

**RESALE CONTROL**

Legal restrictions by which the price of affordable dwelling units may be controlled to ensure that the dwelling unit is affordable in the future by households or families of median-income level or below.

**ABILITY TO PAY**

The method for determining a household's or family's ability to pay shall be established by resolution of the Town Council.

**6.1.c**

**General Conditions**

The following general conditions shall apply to all provisions for affordable housing as established in this Section 6.1:

- 1 Fractions of numbers shall be figured in the following manner. Any decimal fraction greater than 0.5 shall be construed as requiring one dwelling unit. Any decimal fraction equal to or less than 0.5 may be disregarded;
- 2 The following developments are subject to the provisions for affordable housing:
  - a Any ownership or rental residential development that does not require a subdivision map, involves five or more dwelling units and has not been issued a final building permit;
  - b Any land subdivision development that requires a subdivision map, involves five or more parcels and does not have an approved tentative map;
  - c Any parcel or sub-parcel which is subject to the Master Development Plan process or is a portion of an approved Preliminary or Final Master Development Plan containing 5 or more residential units or non-residential Use;
- 3 The following provisions shall apply to developments required to provide affordable housing units:
  - a In the event a developer or owner elects not to apply for a Density Bonus, a minimum of 10 percent of the total dwelling units to be provided shall meet the criteria for affordable housing;
  - b In the event that a developer or owner elects not to provide affordable housing units, the payment of an in-lieu fee as established in Section 6.1.g is required for each dwelling unit to be provided. However, a developer or owner shall not be



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- allowed to pay an in-lieu fee where a Density Bonus has been granted for a given parcel or sub-parcel;
- c In the event a developer or owner elects to utilize the Density Bonus, a minimum of 20 percent of the total dwelling units to be provided shall meet the criteria for affordable housing. In this case, in-lieu fees shall not be allowed to be paid at a later date;
- 4 A Density Bonus, not to exceed 40 percent of the minimum number of dwelling units for Districts allowing multi-family development and for a given parcel as established in Figure III.20 of the General Plan, shall be granted when at least 20 percent of the total dwelling units to be provided meet the criteria for affordable housing ;
  - 5 Limits on floor area ratio, FAR, shall be the same for affordable single family housing units as for other single family dwelling units within a Master Development Plan and range from 0.25 to 0.40 for each lot of record. Lot sizes area limited to a minimum of 4,000 square feet and a maximum of 8,000 square feet. Design standards are established in Chapter II, Section C of the Design Ordinance and regulate specific FAR, height, setbacks, and other standards;
  - 6 Limits on Floor Area Ratio, FAR, for multi family housing structures of 3 or more units with 20% or more affordable housing on existing lots of record and new lots with Master Development Plans are allowed a FAR bonus of 40% to 0.56 FAR to match the 40% density bonus. Design standards are established in Chapter II, Section C.3 of the Design Ordinance and regulate specific FAR, setbacks, and other standards.
  - 7 All subdivisions or developments required to provide affordable housing units shall include the following additional conditions to ensure compliance with the provisions of this section;
    - a Specification of the timing of in-lieu fees or affordable housing units, the number and location of affordable housing units at specified price levels;
    - b A written agreement that indicates the number, type, location, size, and construction schedule of all dwelling units, as well as other such reasonable information as shall be required by the Town for the purpose of determining the applicant's compliance with this section;
  - 8 All affordable housing units or parcels shall be delineated in the phases of incremental development as established in Section 7.4, Master Development Plan and Review, and all affordable housing units shall be constructed concurrently or prior to construction of other dwelling units of the development, unless the Town determines that extenuating circumstances exist;
  - 9 All affordable housing units or parcels shall be reasonably dispersed throughout the project as established in Section 7.4, Master Development Plan and Review;
  - 10 In a development of for-sale dwelling units, a developer or owner shall have the option to construct rental dwelling units in a number sufficient to satisfy all or a portion of the affordable housing requirements of this section;
  - 11 Uses other than residential shall be required to pay a "fair-share" fee for their contribution to affordable housing. The amount of the "fair-share" fee shall be established following the results of the "nexus" study as discussed in the Housing Element of the General Plan. Collected fees shall be deposited into the Housing Opportunity Fund.

6.1.d            Conditions for Affordable Housing Rental Units  
Affordable housing rental units for which the Town provides financial assistance for a portion or all of its costs shall be offered at rent levels as established by Section 6.1.h, and updated annually according to the median-income of Napa County. Affordable housing rental units for which the developer or owner provides complete financing

shall be offered initially to qualified renters (median-income level or below) at the rent level as established by Section 6.1h. Any vacancy or other transfer of occupancy of an affordable housing rental unit shall be offered to the Town or its designee, such as the Yountville Housing Authority or Napa Valley Housing Authority, for first right of occupancy by an income eligible tenant. If the Town or its designee is unable to find a qualified tenant within 30 days of notification of a pending vacancy or change in occupancy, then the unit may be rented out as desired without restriction. However, each vacancy or change in occupancy requires notification to the Town and an ongoing first right of occupancy.

In the event that the Town provides financial assistance for a development or assistance to its occupants, the Town may become involved with the screening of applicants for the affordable housing rental units. The Town or its designee may screen applicants for the affordable housing rental units and refer eligible households or families to the developer or owner. The developer or owner shall retain final discretion in the selection of the eligible households or families provided that the same rental terms and conditions, with the exception of rent levels and income, are applied to the potential tenants of affordable housing units as are applied to all other tenants, except as required to comply with government subsidy programs.

For rental units assisted with Town funds, the Town or its designee may require a guarantee or enter into recorded agreements with developers, and take other appropriate actions necessary to ensure that the rental dwelling units are provided, and that they are rented to households or families of median-income level or below. A certification shall be transmitted to the Town.

**6.1.e            Conditions for Affordable Housing For-Sale Units**  
Affordable housing for-sale units for which the Town provides financial assistance for a portion or all of its costs shall be offered at the sales price level as established by Section 6.1.h, and updated annually according to the median-income of Napa County. Affordable housing for-sale units for which the developer or owner provides complete financing shall be offered initially to qualified buyers (median-income level or below) at the sales price level as established by Section 6.1.h, shall be owner-occupied and shall not be resold for a period of at least eighteen months from the date of purchase with the exception of extenuating circumstance or hardship. The Town or its designee, such as the Yountville Housing Authority or Napa Valley Housing Authority, shall be granted an option to purchase the affordable unit. Prior to any sale or change in ownership of an affordable housing for sale unit, the Town shall be sent a Notice to Sell. The Town or its designee may exercise the option to purchase the unit. If the Town or its designee abandons or fails to exercise the option within 60 days after it received the Notice to Sell, the option shall terminate and no longer be recorded on the property. In addition, prior to any sale or change in ownership of an affordable housing for sale unit, the unit shall be offered to the Town or its designee, such as the Yountville Housing Authority or Napa Valley Housing Authority, for first right of purchase by an income eligible buyer. If the Town or its designee is unable to find a qualified buyer within 60 days of notification of an intent to sell or change ownership, then the unit may be sold as desired without restriction. However, each sale or change in ownership requires notification of the Town and an ongoing first right of purchase.



## Supplemental Ordinances

In the event that the Town provides financial assistance for a development or assistance to its occupants, the Town may become involved in the sale of affordable housing for-sale units. The developer may be required to offer to the Town or its designee, for a period of not less than 90 days from the date of the Town's permission to occupy, all such affordable housing units as are required by this Section 6.1 for-sale to eligible purchasers. This time period may be extended by the Town through a resolution of the Town Council. The Town shall advise all prospective purchasers of resale restrictions applicable to for-sale affordable housing units as specified in this Ordinance.

The Town may advertise the for-sale affordable housing units to the residents of Yountville and then to the general public. Upon notification of the availability of ownership units by the developer, the Town or its designee may seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the Town may hold a lottery to select purchasers. The Town or its designee may review the assets and income of prospective purchasers on a household-by-household or family-by-family basis. The developer or owner shall retain final selection of qualified purchasers, provided that the same terms and conditions, with the exception of sales price and income, are applied to purchasers of affordable housing units as are applied to all other purchasers.

In the event the Town provides financial assistance for a development or assistance to its occupants, it may impose resale conditions in which there is sharing of gains in equity. These resale conditions shall be established by resolution of the Town Council. If federal or State funds are a part of the financial assistance for a development, the federal or State requirements and provisions shall prevail and not be amended by the Town Council.

#### 6.1.f Conditions for Land Subdivision

Land designated for affordable housing units in a Preliminary Master Development Plan may be developed by the applicant or another profit or non-profit developer that is private or public, or may be deeded to the Town of Yountville or its designee at a price established by resolution. The proposed affordable housing units for specified parcels, sub-parcels or individual lots may be rental or owner occupied, and shall be consistent with all provisions of this Ordinance. The provisions for affordable housing units shall be specified in the conditions of approval for all Preliminary and Final Master Development Plans.

## 6.1.g In-Lieu Fees

A developer or builder may pay fees in-lieu of providing affordable housing. In-lieu fees are reviewed annually and established in the Affordable Housing Resolution by the Town Council. The basis for determining in-lieu fees could be a percentage of the hard costs of construction or sales price of a dwelling unit. To strengthen the incentive to provide affordable housing, in-lieu fees could be established on a graduated scale which increases with the costs of housing. Collected fees shall be deposited into the Housing Opportunity Fund.



**6.1.h**

**Criteria for Eligibility**

The method for determining eligibility for affordable housing units, and where applicable, conditions or requirements for continued eligibility, shall be based on the median-income applicable to Napa County. Upon adoption of this Ordinance, the Town Council will review the current Affordable Housing Resolution to establish the price levels for such rental and for-sale affordable housing. The assumptions utilized for establishing the affordable housing policy outlined in this Section 6.1 included adjustments for area building standards and land costs. This policy is targeted at the median-income level, and with Town-assistance directed toward providing affordable housing for the low and very-low income levels.

**6.1.i**

**Town Participation**

Subsidies, such as second mortgages, down-payment assistance, rent vouchers or similar programs, may be necessary to provide housing for very-low and low-income households or families. The Town may need to provide this additional financial assistance and may elect to allocate funding from the Housing Opportunity Fund or other municipal sources. The Town may find it necessary to appoint a committee of Yountville residents to serve on the Housing Advisory Committee which would review and update the affordable housing policy to ensure the successful production and maintenance of affordable housing.

**6.1.j**

**Availability of Government Subsidies**

The need for affordable housing units shall not be evaluated according to the availability of government subsidies, however, this does not preclude the use of such programs or subsidies.

**6.1.k**

**Fee-Waiver for Affordable Housing Units**

The fees related to the development of the affordable housing units, which include planning, water and sewer may be waived at the request of the applicant and will be construed as Town assistance. By resolution, the Town Council may amend periodically the included fees or establish a maximum fee amount for each affordable housing unit.

**6.1.l**

**Enforcement**

No Building Permit or Occupancy Permit shall be issued, nor any development approval granted, that does not meet the requirements of this section. The Town shall have the power to institute an injunction, mandamus, or any other appropriate legal sanctions or proceedings for the enforcement of this Section 6.1, Provisions for Affordable Housing.

## SECTION 6.2

## OFF-STREET PARKING AND LOADING

### Section 6.2.a

### Purpose

These regulations are intended to provide accessible and well-maintained off-street parking and loading areas in order to minimize traffic congestion and to allow efficient utilization of the street right-of-way. The following specific rules and regulations established in this Section 6.2 shall apply to off-street parking and loading.

### Section 6.2.b

### General Conditions

- 1 When any main building is constructed, enlarged, or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading space required, additional parking or loading spaces shall be required as provided in this Section and in Chapter I, Section A.2 of the Design Ordinance;
- 2 Fractions of numbers shall be figured in the following manner. Any decimal fraction greater than 0.5 shall be construed as requiring one parking space. Any decimal fraction equal to or less than 0.5 may be disregarded;
- 3 No portion of any front yard or any side yard or setback on the street side of a corner lot, except for driveways and designated parking spaces, shall be used for off-street parking or loading purposes;
- 4 Off-street parking spaces for single-family dwelling shall be located on the same lot as the dwelling served. Off-street parking spaces for all other dwellings shall be located on the same lot or not more than 250 feet from the dwelling served. Off-street parking spaces for all non-residential uses shall be located on the same lot or not more than 350 feet from the use served. To ensure the perpetuation of the parking space requirements of this Section, an owner of any lot that serves as parking for another lot shall execute a declaration of restrictions and covenants for the lot in a form acceptable to the Town Council. The declaration of restrictions and covenants shall set aside the required space for parking only. The declarations of restrictions and covenants may be waived only by consent of the owners of more than one-half of the lot that serves as parking for another lot, and the consent of the Town Council;
- 5 Required parking areas shall not be used for the repair or storage of vehicles, for materials or for the parking of trucks used in conducting a business or use;
- 6 When two or more uses are located in the same building and/or in common developments, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the individual and separate requirements for each use, except as otherwise provided in this Ordinance;
- 7 Sufficient bicycle storage space, as determined by the Planning Officer, shall be provided in all parking areas of 10 or more spaces;
- 8 Joint-use parking facilities may be provided for two or more adjacent commercial uses. When the required parking consists of 20 or more spaces, the Town Council may consider a reduction to 75 percent of the sum required for each individual use, provided that the parking remains adequate and the area gained by the reduction is landscaped;
- 9 Design standards that regulate the landscaping, screening and other aspects of parking and loading are established in Chapter I, Section C.2, and Section C.4, of the Design Ordinance;
- 10 Requirements for uses or types of buildings not specifically listed in this Section 6.2.c or Chapter I, Section A.2, of the Design Ordinance, shall be determined by the Planning Officer based upon the requirements for comparable uses listed and also the particular characteristics of the use or building;

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- 11 All off-street parking and loading areas shall comply with the following minimum dimensions.

a General Parking

Required spaces in parking areas shall be configured according to the following schedule:

<u>Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Aisle Width</u>	
			<u>One-Way</u>	<u>Two-Way</u>
Parallel	9'	24'	12'	20'
45 degrees	9'	20'	16'	20'
60 degrees	9'	21'	18'	20'
Perpendicular	9'	19'	24'	24'

b Compact Car Parking

50 Percent of the required spaces in parking areas with five required spaces or more may be devoted to compact car spaces, according to the following schedule:

<u>Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>
Parallel	7'	20'
45 degrees	7'-6"	16'
60 degrees	7'-6"	17'
Perpendicular	7'-6"	16'

c Loading

Required bays in loading areas shall be configured according to the following schedule:

	<u>Berth Width</u>	<u>Berth Length</u>	<u>Berth Height</u>
Heavy Commercial and Industrial Uses	12'	45'	15'
Mortuaries	10'	25'	8'
All Other Uses	11'	35'	14'

d Driveways and Curb Cuts

Residential single lot driveway - maximum 10' width

Residential multiple lot shared driveway-maximum 12' width

Residential curb cut - maximum 12' width

Parking lot curb cut:

one way access - maximum 12' width

two way access - maximum 24' width



**Section 6.2.c**

**Requirements by Land Use Type**

Off-street parking and loading spaces shall be provided according to the following schedule:

- 1 Residential Uses
  - a Single Family: One covered space and one screened space;
  - b Duplex: Two spaces, one covered space and one screened space;
  - c Triplex: Four spaces, two covered spaces and two screened spaces;
  - d Fourplex: Six spaces, three covered spaces and three screened spaces; additional units above 4 require one covered space per unit and one screened space per each two units;
  - f Second Residential Unit: One screened space;
  - g Parking spaces provided for affordable housing shall be permitted to be uncovered, but shall be screened. All screened spaces shall meet the design standards as established in Chapter I, Section A.2 & C.4 of the Design Ordinance;
- 2 Health-Related Uses
  - a Extended Care Facilities: One space per three beds;
  - b Medical and Dental Office: One space per 200 square feet of floor area;
- 3 Public Uses
  - a Theaters, Church, and School Auditoriums, and Other Places of Assembly:  
With fixed seats: One space per four seats;  
Without fixed seats: One space per 100 square feet of floor area used for assembly space;
  - b Nursery and Elementary Schools: One space per each classroom and office, plus 10 spaces for visitor parking;
- 4 Primary Commercial, Residential-Scaled Commercial, or Existing Industrial Uses
  - a Restaurants, Cafes, and Bars: One space per four seats;
  - b Motels, Inns and Bed/Breakfast Inns: 1.14 spaces per room;
  - c Retail Stores and Personal Services: One space per 250 square feet of floor area;
  - d Business and Professional Offices : One space per 300 square feet of floor area (not including medical and dental offices);
  - e Heavy Commercial or Industrial Uses: One space per 800 square feet of floor area;
  - f Residential-scaled Commercial Uses may be permitted to reduce their parking requirement to 1 space per 500 square feet, in the event the reduction in parking area provides civic amenity for the town and complies with the design criteria established in Chapter II, Section D.2, of the Design Ordinance;
- 5 Retained Uses
  - a Existing Use: Existing parking spaces;
  - b Any Change in Use: Same ratio as required by the new use in this Section 6.2.c;
- 6 Loading
  - a Commercial and Industrial Uses with Floor Areas:  
10,000 - 24,999 square feet: One berth;  
Each additional 25,000 square feet: One berth.

**SECTION 6.3**  
*(previously Section 306)*

**SIGNS**

**6.3.a**

**Purpose and Application**

The purpose of this Ordinance is to assist in the commercial activities of the town and to encourage design excellence that will provide signage compatible with the character of the town.

The Town of Yountville recognizes that signs have an impact on the town's character, and when regulated and controlled can enhance commerce and tax revenues, as well as facilitate clarity and aesthetic appeal.

The Town of Yountville recognizes the right of the public to be directed and informed and it recognizes the need for a sign to function as a means of identification. Signs which are not visible from a public street or from off-site are exempt from this Ordinance. The following specific rules and regulations established in this Section 6.3 shall apply to all signs.

**6.3.b**

**Supplemental Definitions**

The following terms applicable to this section shall be defined as follows. Other definitions can be found in Section 1.5, "Definitions", of this Ordinance.

**ABANDONED SIGN**

A sign determined by the Planning Officer to have ceased functioning as a sign for a period of at least 90 days.

**ADVERTISING SIGN**

A sign which has as its main purpose the advertisement of products or services, rather than the identification of a business activity.

**ADVERTISING STATUARY**

A statue or other three dimensional structure in the form of an object that identifies, advertises or otherwise directs attention to a service, product, business or activity; not including clock signs or barber poles. Statues and other three dimensional structures are considered signs regulated by this Ordinance.

**ANIMATED SIGN**

A sign which has an actual or apparent moving, reflecting or rotating part actuated by an electrical, mechanical, or other device or by wind current; not including barber poles and clock signs.

**AWNINGS**

Any roof-like cover, usually of canvas, extending over or around a structure to afford protection from the elements. Awnings may have signs, and therefore, are included in the Sign Ordinance review.

**BILLBOARD**

Any sign, whether free-standing, affixed or otherwise attached to a structure, that directs attention to a use, product, device or similar function that is not conducted or sold upon the site where the sign is located or in the structure to which the sign is attached or otherwise affixed.

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**BUILDING FRONTAGE**

The distance in feet measured along the horizontal dimension of a wall or walls of a structure abutting or fronting a public street, but not including Highway 29.

**BULLETIN BOARD**

A board, either free-standing or attached to a wall, on which bulletins or notices are posted.

**CLOCK SIGN**

a sign, whether attached or free-standing, that indicates the time. A clock without words or advertising logo is not considered a sign.

**CONSTRUCTION SIGN**

A sign stating the name and address of those individuals or firms directly connected with a construction project and/or the name of the owner or ultimate user.

**COURTYARD SIGN**

Any sign located within a courtyard that cannot be seen from a public street.

**DEVELOPMENT SIGN**

A sign identifying the name of a commercial complex with or without a list of individual tenants.

**DIRECTIONAL SIGN, OFF-SITE**

A sign which shows the location of or direction to a use, product, service, or similar function, not conducted or sold upon the site where the sign is located or in the structure to which the sign is attached or otherwise affixed.

**DIRECTIONAL SIGN, ON-SITE**

A sign used to regulate the on-site flow of pedestrians and vehicles on private property, including signs which regulate parking and "enter" and "exit" signs.

**DISPLAY SURFACE**

The area of a sign without a border placed on the wall of a building shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message and computing the area enclosed. The areas of the signs shall be calculated by adding the outer dimensions of all faces capable of presenting a sign message excluding the standard and frame.

**EAVE LINE**

That portion of a building where the lower border of the roof touches or overhangs the wall.

**FACTORY OUTLET SIGN**

A sign indicating that a use is a factory outlet, that it offers factory discounts, direct factory sales, or similar language.

**FLAGS, BANNERS, PENNANTS**

Devices generally made of flexible materials, usually cloth, paper or plastic which may or may not bear any text or image.

**FLASHING SIGN**

A lighted sign which flashes on and off.



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**FREE-STANDING SIGN**

Any sign standing alone or on its own foundation that is not attached to a building.

**GROUND SIGN**

A free standing sign.

**HIGHWAY 29 SIGN**

A sign permitted only on commercial property which abuts Highway 29 for the purpose of begin seen from Highway 29.

**IDENTIFICATION SIGN**

A sign which names a business.

**INTERIOR SIGN**

A sign which is located on the interior of a building or structure and is not visible from any public property or any public street.

**INTERNALLY ILLUMINATED SIGN**

A sign which is provided with illumination from behind a transparent or translucent surface.

**MARQUEE**

A temporary or permanent structure attached to or supported by a building, designed for shelter over a pedestrian or vehicular way and which may or may not project over public property and which may or may not be designed to allow for changing copy.

**MURAL**

A picture or decoration which is painted on or otherwise applied directly to a wall.

**NAME PLATE**

A sign which states the name and/or address of the occupant of a building.

**NEON SIGN**

A sign which is illuminated in whole or in part by neon or similar gas.

**NEWSPAPER VENDING MACHINE SIGN**

A sign attached to a newspaper rack or vending machine which identifies the newspaper being offered for sale.

**"OPEN" SIGNS, ETC.**

Signs indicating "open" or "closed" business hours, emergency telephone numbers, and accepted credit cards.

**PERMANENT SIGN**

Any sign approved in accordance with the Sign Ordinance requirements for a continuing status.

**POLE SIGN**

A free-standing sign which is greater than seven feet tall.

**POLITICAL SIGN**

A sign seeking votes at an election for a candidate seeking public office or for a resolution of a public issue.

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**PROJECTING SIGN**

A sign that is suspended or supported by a building or wall and that projects out from the building or wall more than eight inches.

**PUBLIC AGENCY SIGN**

A sign erected by a public agency, including but not limited to, a street sign, traffic sign, and an emergency warning.

**PUBLIC NOTICE**

A notice posted by a public officer in the performance of a duty or by any person for the purpose of giving legal notice; a warning or informational sign required or authorized by governmental regulations.

**REAL-ESTATE SIGN**

A sign serving to announce only the sale, lease or offer to build on improved or unimproved property; in addition, the sign is located upon the parcel or improvement that is referenced in the sign.

**ROOF SIGN**

A sign that is attached to the roof of a building or that projects above the eave line of the building to which it is attached.

**SUSPENDED SIGN**

A sign which is suspended from a marquee, porch ceiling, awning, walkway covering or similar covered structure.

**TEMPORARY ADVERTISING SIGN**

A sign erected on the interior side of the window of a building and maintained for no more than 30 days for advertising.

**TEMPORARY NEW BUSINESS IDENTIFICATION SIGN**

A sign erected on the exterior of a building and maintained for no more than 90 days.

**VEHICLE DISPLAY SIGN**

A sign attached to a motor vehicle which is parked with the primary purpose of advertising to the public as they pass.

**WALL SIGN**

A sign which is attached to or painted on, and parallel to the exterior wall of a structure.

**WINDOW SIGN**

A business identification sign permanently maintained or painted in a window and that is intended to be viewed from outside the window. Neither merchandise offered for sale nor temporary window signs are to be considered as window signs.

**6.3.c**

**General Conditions**

The following general conditions shall apply:

- 1 Permitted signs for which no sign permit is required are allowed are subject to the number and size limitations contained in Section 6.3.d.1 and 6.3.d.2;
- 2 The total permitted sign area for any building shall not exceed one half square foot of signage per one foot of lineal building frontage, or 30 square feet, whichever is less. No individual sign shall exceed 25 square feet in area, except Highway 29 signs as provided in Section 6.3.d.3 (a). Signs in Historic District may not exceed 12 square feet;
- 3 For a building with more than one building frontage, the total permitted sign area established in Section 6.3.c.2 may be increased by 50 percent. Permitted sign area may be distributed among individual signs at the option of the sign owner, except that no individual sign shall exceed the size limitations established in Section 6.3.c.2;
- 4 In addition to the authorizations and limitations contained elsewhere in this Ordinance, a business may install and maintain temporary signs on a window of a premises for the purpose of advertising a bona fide special sale or promotion taking place on the same premises, subject to the following conditions:
  - a A business may install and maintain temporary advertising signs for no more than 30 days during any 90 day period;
  - b Up to two square feet is permissible for temporary advertising signs for any business; the maximum area is 25 percent of a window; and
  - c A new business may install an identification sign for up to 90 days;
- 5 No wall signs shall project beyond the ends or top of the surface to which it is attached, nor shall extend more than eight inches from the surface to which it is attached;
- 6 Applications for Sign Permits to erect free-standing signs shall require approval by the ZDRB. The ZDRB may approve the application and authorize the Planning Officer to issue a Sign Permit only when the ZDRB makes all of the following findings:
  - a A free-standing sign is the most feasible means by which the business conducted on the premises can have the same degree of identification to the public as that available to businesses on neighboring premises without free-standing signs;
  - b The sign will not give the business on the premises a greater identification to the public than that available to businesses on neighboring premises without free-standing signs;
  - c The sign is consistent with the intent and provisions of this Ordinance;
  - d The sign, together with all other signs on the premises, does not exceed the allowable square footage as established in this Ordinance; and
  - e The sign does not exceed three feet in height. Signs proposed to be at least 10 feet from the edge of the street pavement may be up to six feet in height. Such signs must not impair visibility around street corners or reduce traffic safety.
- 7 The ZDRB shall review applications to erect internally illuminated signs, and may approve an application and authorize the Planning Officer to issue a Sign Permit only upon making all of the following findings:
  - a The sign is reasonably required and assists in the identification of the premises by pedestrians and motorists approaching along public streets;
  - b The sign complies with the design criteria established in the Section 6.3.k; and
  - c The sign is consistent with the intent and provisions of this Ordinance;



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- 8 For a projecting sign, all of the following additional findings must be made:
  - a The sign will not create or contribute to clutter or congestion of signs in a given area due to the number of existing projecting signs on neighboring or nearby premises; and
  - b The sign complies with the following limitations:
    - It may not be attached to a structure other than a building;
    - It may not be internally illuminated;
    - It may only be as high as the eave line of the building surface to which it is attached or 11 feet above grade, whichever is lower;
    - It may not be lower than seven feet if over a walkway, in order to provide safe access to pedestrians;
    - The outside edge of the sign may not project more than four feet from the surface of the building to which it is attached;
    - It may not contain more than six square feet of display area on each side;
    - It may not be more than three inches or less than one half inch thick; and
    - It may not project into or over a public right-of-way.
- 9 Master Sign Plan
  - a Each building containing two or more businesses or any multiple-occupancy commercial shall be required to have an approved Master Sign Plan, except that a Master Sign Plan shall not be required for such buildings or commercial sites which have lawfully existing signs on the effective date of this Ordinance;
  - b The owner or other person in control of a building or site which is required to have a Master Sign Plan shall apply for a Sign Permit as set forth in Section 6.3.f, except that the applicant shall establish the required information for each sign for each business in the building or on the site. Each business should be allocated a portion of the total sign area;
  - c The total sign area for a site requiring a Master Sign Plan shall be calculated by combining the lineal building footage of structures facing a public street. The formula in Section 6.3.c.2 shall be used except that the 30 square feet maximum is eliminated;
  - d In addition to the design criteria contained in the Section 6.3.k, each sign must be compatible in character and in quality of design with other signs on the building or site;
  - e In no case shall more than one free-standing sign per frontage be allowed for a building or site requiring a Master Sign Plan. A free-standing sign shall only be approved if said sign identifies the development or all of the businesses located in the building or on the site, and complies with the requirements of Section 6.3.f.4(d) hereof. A development sign may be increased to 25 square feet if the additional area is subtracted from the total sign area of visible individual signs;
  - f In addition to a free-standing sign, each business in a building or on a site requiring a Master Sign Plan shall be allowed one wall or suspended sign, provided that the allowable area of said signs is reduced by the square footage of the free-standing sign;
  - g Courtyard signs not visible from a public street are not governed by this Ordinance, except where a Use Permit has been issued for a factory outlet and a factory outlet sign; and
  - h Except as provided elsewhere in this Ordinance, copy for commercial and industrial signs shall be limited to the name of the business and, if necessary for purposes of identification, the name of the principal goods sold, services provided, or activities conducted.

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**6.3.d**

**Permitted Uses**

- 1 The following signs shall require the written approval of the Planning Officer and shall be subject to the conditions specified:
  - a Automotive Service Station Price Signs, the number and size of signs shall not exceed minimum standards as set forth by the California Department of Weights and Measures;
  - b Barber Poles shall be limited to barber shops;
  - c Clock Signs shall be limited to premises which have as their principal activity the repair or sale of clocks, watches and similar time-keeping devices;
  - d Directional signs, On-site, shall not exceed a total of four square feet and may be double sided. Directional signs do not affect a site's permitted sign area;
  - e Banners shall be limited to a maximum of 30 days for special events. Only public or private not-for-profit agencies may request banners on private property. Banners over public streets shall be permitted only upon approval by the Town Council; and
  - f Special Event Signs, see Section 6.3.j.1.
- 2 The following signs shall be permitted subject to the conditions specified and shall not require written approval:
  - a Bulletin Boards shall be limited to theaters and public, charitable, or religious institutions. Size shall not exceed 20 square feet and shall not be used for commercial advertising;
  - b Construction Signs shall be limited to one non-illuminated sign per site of construction. They shall not exceed 24 square feet and shall be removed prior to building occupancy;
  - c Flags, United States and California State, shall be permitted. Flag poles for such flags shall not exceed the height limitations of the land use designation in which the flag pole is located, and shall be limited to one flag pole for each lot. See Section 6.3.j for exceptions. Flagpoles in commercial districts shall be located along the primary access street of the property;
  - d Memorial Signs shall not exceed three square feet;
  - e Nameplates shall not exceed one square foot;
  - f Newspaper Vending Machine Signs shall be limited to one sign per vending machine or rack. They shall not exceed two square feet;
  - g "Open" Signs shall not exceed one square foot per sign, and the total of all such signs, at any single establishment, shall not exceed four square feet;
  - h Political Signs shall not exceed eight square feet They shall be removed within seven days after the election and shall not be located on public property;
  - i Real Estate Signs shall be limited to one non-illuminated sign per structure or lot. They shall not exceed six square feet and shall be removed within 15 days after sale, rental or lease. For commercial developments, or residential subdivisions of five lots or more, exceptions may be granted per Section 6.3.j. Off-site Open House signs are allowed temporarily, for 12 hours in one day and three days consecutively; and
  - j Temporary Signs, see Section 6.3.c.4;
- 3 The following signs require ZDRB approval:
  - a Highway 29 Signs shall be limited to one per commercial parcel on parcels abutting Highway 29. Signs may be up to 30 square feet in size, shall identify a business and be on a building, not free-standing. This sign may be in addition to all other allowable signs;
  - b Murals, see Section 6.3.b;
  - c Identification Signs, see Section 6.3.b; and



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- d For more than one Flagpole, the ZDRB may permit American and Californian flags on two flagpoles on the primary access street of the property by applying the exception procedure in Section 6.3.j.
- e Master Sign Plans

6.3.e Prohibited Signs

- 1 Pennants, flags, except flags permitted in Section 6.3.d.2 (c) and 6.3.d.2 (d);
- 2 Flashing and animated signs, and neon signs;
- 3 Billboards and vehicle display signs;
- 4 Portable and vehicle display signs;
- 5 Roof signs;
- 6 Signs affixed to a utility pole or structure, tree, shrub, rock or other natural object;
- 7 Signs which have a design or lighting such that they might be mistaken for a traffic light or signal or are located so as to obscure free and clear vision of a motorist or obscure any authorized traffic sign, signal or device; or which because of their location would prevent free ingress or egress to any door, window or fire escape;
- 8 Signs which are dilapidated, abandoned, or in disrepair or dangerous condition;
- 9 Directional Sign, Off-site;
- 10 Advertising Signs;
- 11 Any sign not expressly permitted in Section 6.3.d.2 (c) and 6.3.d.3 (d); and
- 12 Factory outlet signs, unless a Use Permit has been issued for a factory outlet and a factory outlet sign.

6.3.f Criteria for Sign Permit

- 1 No sign which requires a Sign Permit as indicated in Section 6.3.d or 6.3.j hereof shall be erected, relocated, constructed or altered within the Town until a Sign Permit has been issued by the Planning Officer;
- 2 An application for a Sign Permit shall be filed for approval with the Planning Officer. The application shall be on a form provided by the Town and shall require the applicant to submit a plan showing the location, size, shape, color, materials, copy and type of illumination for each proposed sign, and any other information as deemed necessary by the Planning Officer.
- 3 A Sign Permit shall not be issued by the Planning Officer unless the proposed sign complies with the provisions of this Ordinance and, where required, authorization for such issuance has been granted by the ZDRB or Town Council;
- 4 Upon approval of a Sign Permit, the Planning Officer may impose any condition necessary to ensure that each proposed sign complies with specific criteria and general intent of this Ordinance. Applications which are denied or conditioned may be appealed as established in Section 7.7 of this Ordinance; and
- 5 Signs which would otherwise require a Sign Permit under the provisions of this Ordinance, but which are lawfully in existence on the effective date of this Ordinance, may be maintained without the issuance of a Sign Permit, except that such signs shall not be re-dimensioned, redesigned, relocated or altered without a duly authorized Sign Permit as provided in this section.

6.3.g Non-Conforming Signs

Any sign lawfully existing at the effective date or amendments of this Section 6.3, or of amendments, that does not conform to the standards of this Section 6.3 shall be deemed to be a legal non-conforming sign and may be continued, except as provided for tree regulations in Chapter I, Section B.5 of the Design Ordinance.



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**6.3.h**

**Enforcement**

- 1 Whenever a sign is found to have been abandoned or to be in violation of any provision of this Ordinance or of any other ordinance or law, the Planning Officer shall order that the sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. Any work to be done shall be completed within 10 days of the order, unless otherwise specified; and
- 2 In the event a sign is not altered, repaired, reconstructed, demolished, or removed as ordered by the Planning Officer within the specified time frame, the owner of the premises, or the person other than other owner who is in possession or control of the premises, shall be subject to a penalty or penalties as established in Section 2.1 of this Ordinance.

**6.3.i**

**Appeals**

Appeals to decisions of the Planning Officer or ZDRB may be filed under the procedures established in Section 7.7 of this Ordinance.

**6.3.j**

**Exceptions**

- 1 The provisions of this Ordinance shall not apply to signs used in conjunction with a bona fide special event, provided a Sign Permit is obtained as established in Section 6.3.d.1, and the location, number and size of these signs are approved by the Planning Officer;
- 2 Signs approved under Section 7.3 and 7.4 of this Ordinance shall continue to conform to the standards, limitations, and conditions of such approval. These signs shall not be re-dimensioned, redesigned, relocated or altered without approval as required by Section 7.3 or 7.4, whichever is applicable. Where discrepancies exist between the standards and limitations of this Section 6.3 and the standards and limitations for signs approved under Section 7.3 and 7.4, the latter shall apply; and
- 3 The ZDRB, after a public hearing thereon, may grant an exception to the strict application of the provisions of this Section 6.3 only after the Board makes all of the following findings:
  - a There are exceptional circumstances applicable to the property, building, or sign involved which do not apply generally to other property, buildings, or signs in the vicinity. These circumstances may included the shape, size, location or surroundings of the property or building, or the type or design of sign involved;
  - b That owing to such exceptional circumstances the literal enforcement of the specified provisions of this Section 6.3 would result in practical or unnecessary difficulty not created by or attributable to the applicable or owner of the property;
  - c The granting of this exception will not constitute a grant of special privilege inconsistent with the limitations imposed on other properties or buildings in the vicinity;
  - d The granting of this exception will not be materially detrimental to the public welfare or to the property or similar improvements in the vicinity; and
  - e The granting of this exception will not be inconsistent with the general purpose or intent of this Section 6.3.

6.3.k

**Design Criteria**

The following criteria shall apply during the evaluation of the signs design:

- 1 Signs shall be related to the architectural design of the building. The location, color, and material of the sign shall compliment rather than clash or conflict with the building to which it attached or associated;
- 2 Colors in the earth tone range and natural materials are preferred for sign backgrounds, although other colors and material may be acceptable if they are appropriate to and harmoniously interrelated with the design of the premises and with the site as a whole;
- 3 Sign illumination shall not cause glare and light intrusion onto other signs, other premises, sidewalks, streets or parking lots;
- 4 Internally illuminated signs should have dark backgrounds with the letters lighter. The typical plastic faced sign with a light-colored, internally illuminated background is discouraged, and may only be permitted upon approval of an exception established in Section 6.3.j above.

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**SECTION 6.4**  
*(previously Section 303 & 309)*

**OPEN SPACE & TREES**

**6.4.a**

**Purpose and Application**

The intent of this Section is to establish regulations for the development of both Common and Private Usable Open Space necessary to fulfill needs for outdoor leisure and recreation, to preserve valuable natural resources and to improve the amenity of residential living. These regulations also are intended to protect and preserve as many existing trees as possible, while also ensuring that tree removal, when necessary, is done with reasonable care, thereby promoting the public safety and welfare.

**6.4.b**

**Supplemental Definitions**

The following terms applicable to this Section shall be defined as follows. Other definitions can be found in Section 1.5, "Definitions", of this Ordinance.

**OPEN SPACE - COMMON USABLE**

Usable Open Space for joint use by persons for whose use the space is intended.

**OPEN SPACE - PRIVATE USABLE**

Usable Open Space devoted exclusively to the recreation and leisure use of one dwelling unit of a multiple unit development, and is located immediately adjacent to its dwelling unit.

**OPEN SPACE - USABLE**

Land accessible and available to persons for whose use the space is intended, which does not include proposed street right-of-ways or school sites, public and private surface easements, accessory buildings, open parking areas, driveways and other accessways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance.

**TREE**

Any woody perennial plant characterized by a trunk with a circumference of 20 inches or more, or a multi-stemmed perennial plant having an aggregate circumference of 60 inches measured 24 inches above ground level.

**TREE - HERITAGE**

Any tree identified by the Heritage Tree Committee as significant.

**TREE - NATIVE**

Any tree identified as native to the Napa Valley by the Native Plant Society which includes but is not limited to the following: Valley Oak, Buckeye, Coast Live Oak, White Alder, Oregon Ash, Northern California Black Walnut, Fremont Cottonwood, California Bay, Blue Elderberry, Sandbar Willow, Red Willow, Yellow Willow, Arroyo Willow.



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**TREE - PROHIBITED**

Trees prohibited from being planted in a public right-of-way or where they may overhang a public street.

- 1 Palm (most species)
- 2 Poplar
- 3 Tree of Heaven
- 4 Conifers (most species)
- 5 Acacia (most species)
- 6 Black Walnut
- 7 Eucalyptus (most species)
- 8 Elm (American, other large species)

**TREE REMOVAL**

To remove more than one third of the crown or foliage-producing portion of a tree or more than one-third of the root system, or kill or permanently injure a tree in any way.

**6 . 4 . c**

**Open Space**

The following general conditions shall apply to all provisions for Open Space as established in this Section 6.4:

- 1 Any area to be credited towards Common Usable Open Space shall be either:
  - a Controlled and maintained by the owner of the property, or by an incorporated non-profit homeowners' association and devoted exclusively to the recreation, scenic, and leisure use of all the occupants of the property; or
  - b Dedicated in fee to, and maintained by, a public agency or recreation district, and devoted to the recreation, scenic, and leisure use of the population that will occupy the district;
- 2 All required Common Usable Open Space shall be permanently maintained and fully usable. There shall be no obstructions over ground-level space except for devices to enhance its usability. Common Usable Open Space shall not be fenced or otherwise screened so as to restrict the continuity of or visual access to the Open Space;
- 3 Every dwelling unit in a multi-family dwelling or any dwelling built in conjunction with a commercial structure shall be provided with Private Usable Open Space for each building type as established in Chapter II, Section B of the Design Ordinance;
- 4 Not more than 60 percent of the space devoted to Private Usable Open Space may be covered by a private balcony projecting from a higher story. A screening device not greater than six feet in height and constructed of dense landscaping, or a fence, wall, grill, or other screening device, may be required to abut Private Usable Open Space if in the judgment of the Planning Officer, the needs for establishing a pleasant outdoor leisure and recreation environment would thereby be met;
- 5 The Zoning Design Review Board or Town Council shall, as a condition of approval, require the applicant to employ any appropriate methods to ensure the permanent status and maintenance of common Usable Open Space.

**6 . 4 . d**

**Trees**

The following conditions shall apply to all provisions for trees as established in this ordinance Section 6.4. Additional provisions regulating tree removal and planting are established in Section 12.16.010 et seq of the Yountville Municipal Code. A master tree list for tree planting or overhanging in a public street or right-of-way is contained in Resolution Number 287-76.

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- 1 Removal of existing trees, including native trees or Heritage trees, as defined above in Section 6.4.b, shall be permitted only with an approved permit for that purpose. It shall be unlawful for any person to remove or cause to be removed any tree from any parcel of property in the town without a permit as established in Section 6.4.e below. Trees shall include those defined in Section 6.4.b above or any tree which is of special significance as designated by resolution of the Town Council;
- 2 Heritage trees shall be protected; and
- 3 In the case of financial hardship, the Town may assist in the maintenance of Heritage trees on private property.

6.4.e

Tree Permit

Any person desiring to remove one or more trees shall apply to the Planning Officer for a permit. Removal of trees shall be in compliance with Section 12.16.010 of the Municipal Code. Application for a permit for tree removal shall be made on forms available from the Town Clerk and shall provide the following information:

- 1 Name and address of the applicant;
- 2 Name and address of the tree owner;
- 3 Location of the property on which the tree is located;
- 4 Location of the tree on the property;
- 5 The number, size and species of tree to be removed;
- 6 An outline of existing and/or proposed building;
- 7 The reason for the removal of each tree; and
- 8 Any other information deemed as necessary by the Planning Officer.

6.4.f

Criteria for a Tree Permit

The Planning Officer shall review each application and determine whether to grant or deny a permit for tree removal based on the criteria outlined below. Prior to making determinations, the Planning Officer may obtain a written report and recommendation from a landscape architect, tree surgeon, or other independent tree expert at the applicant's expense. The following determinations shall be made during the review of each application for tree removal:

- 1 The conditions of the tree or trees with respect to disease, hazard, proximity to existing or proposed structures, and interference with utility service;
- 2 The topography of the land and the effect of tree removal on erosion and surface water flow;
- 3 The number of trees in the neighborhood and the effect of tree removal on the established standards of the area and the property values;
- 4 The necessity of tree removal in order to construct any proposed improvements to allow economic enjoyment of the property;
- 5 The necessity of tree removal in order to allow a reasonable amount of sunlight to reach the property.

Based on the foregoing determinations, the Planning Officer shall grant or deny a permit for tree removal, except for decisions regarding Heritage Trees which shall be made by the Town Council. In granting a permit, the Planning Officer may attach reasonable conditions to ensure compliance with the intent and purpose of this Section.

**SECTION 6.5**  
*(previously Section 307)*

**REGULATIONS FOR IMPACT  
ON ADJACENT USES**

**6.5.a**

**Purpose and Application**

The purpose of these regulations are to establish performance standards to ensure the appropriate location for operations with significant environmental impact, to encourage a mixture of suitable uses, including light industrial uses, in Yountville's commercial zones and to preclude inappropriate uses from having undesirable impacts upon surrounding residential neighborhoods. The following specific rules and regulations established in this Section 6.5 shall apply to matters requiring impact regulations.

**6.5.b**

**General Conditions**

**1 Permissible Location Standard**

Impact on adjacent uses are regulated according to the Land Use Designations of this Ordinance. Permissible impacts on adjacent uses are divided into two Impact Categories depending upon their proposed locations, as defined below:

a Impact Category I: Uses located adjacent to existing or planned residential areas (planned residential areas, for this purpose, shall consist of all areas designated for residential use on the adopted Yountville General Plan Map or on Master Development Plans approved in accordance with the Planned Development Review);

b Impact Category II: Uses which are not adjacent and will have no significant impact on established or planned residential developments;

**2 The performance criteria for each Impact Category are listed below:**

a Noise : The Town Council shall establish a Noise Ordinance, within one year of adoption of this Ordinance, which governs the following impact categories:

Impact Category I: All noise-generating operations to be buffered so that they do not exceed a specified ambient noise level during daytime operations.

Impact Category II: All noise generated by industrial or commercial operations.

b Light Impact

Impact Category I: No bright or flashing lights shall be visible in a residential district. All lighted signs shall be subject to sign regulations;

Impact Category II: No bright or flashing lights shall be visible. All lighted signs shall be subject to sign regulations;

c Traffic Circulation and Parking

Impact Category I: New development must demonstrate that it will not substantially increase truck traffic on residential streets. Trucks over two tons shall not be permitted on local residential streets. Customer and employee parking and truck loading areas shall be provided in accordance with the Town-wide parking and loading regulations;

Impact Category II: Same as above.

d Vibration

Impact Category I: No perceptible vibrations shall be permitted off the development site;

Impact Category II: Same as above;

e Flammable Material

Impact Category I: No operations involving the use or storage of flammable materials or fuses shall be permitted adjacent to any residential area;

Impact Category II: All operations which involve storage, use, or transport of flammable materials or gases must be conducted in a manner that meets with the



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- approval of the Fire Chief; and all facilities must contain such emergency protection and fire fighting equipment as are deemed necessary by the Fire Chief;
- f Airborne Emissions  
Impact Category I: No use shall exceed the maximum permissible emissions standards established by the San Francisco Bay Area Air Quality Management District;  
Impact Category II: Same as above.
- g Water Quality  
Impact Category I: The Town shall evaluate liquid waste to be disposed into its sewer systems and report upon the Town's capacity to provide treatment. Industries not connecting to the municipal sewer systems are subject to water quality standards administered by the San Francisco Bay Regional Water Quality Control Board;  
Impact Category II: Same as above;
- h Building Size and Architectural Design  
Impact Category I: All building design and site layouts shall be approved by the ZDRB or Town Council;  
Impact Category II: Same as above.
- 3 Whenever application for Design Review is made, according to Section 6.3, the Town Council shall condition the approval of any such application on a requirement that any signs attached to or located on the affected premises or building shall conform to the Sign Ordinance; and
- 4 The conditions on the issuance of a permit as established in Section 6.5.b.2 and 6.5.b.3 above may not include or require the following:
- a Conditions requiring signs within the same complex, but at a different business location than the one affected by the permit application, unless the signs are owned or controlled by the applicant or principal or agent of the permit.
  - b Conformity of signs when such permit is solely for a change of ownership, as opposed to change of use or redesign, remodeling, expansion or building project.

**SECTION 6.6 LEGAL NON-CONFORMING USES, BUILDINGS,  
(previously Section 308)                      SIGNS AND SUBSTANDARD PARCELS**

**6.6.a**

**Purpose and Application**

The purpose of this section is to limit the number and extent of non-conforming uses. While permitting the use and maintenance of non-conforming buildings and signs, this section limits the number and extent of non-conforming buildings and signs by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Ordinance and by prohibiting their restoration after destruction. Eventually, certain classes of non-conforming uses, buildings and signs are to be eliminated or altered to conform. The following specific rules and regulations established in this Section 6.6 shall apply to legal non-conforming uses, buildings, signs and substandard parcels:

**6.6.b**

**General Conditions**

The following General Conditions shall apply:

**1 Lot of Record**

- a A lot of record, created prior to adoption of this Ordinance, that has dimensions less than required, may never-the-less, be occupied legally by a dwelling or building if all other requirements of this Ordinance are met. The same exception shall apply to a lot created by the merger of existing lots of record, or parts of lots, in such a manner as to establish fewer numbers of lots, each having an increased area;
- b An existing building that occupies a smaller area lot than required by this Ordinance, but that conforms to use regulations, shall not be considered a non-conforming building, provided it is not altered or enlarged to increase the discrepancy between existing conditions on the lot and design standards for new construction established in Chapter II of the Design Ordinance;

**2 Legal Non-Conforming Uses**

- a Where all legal non-conforming uses of a building originally designed or built for commercial or industrial purposes are discontinued for a continuous twelve months or more, any subsequent uses of such buildings must be conforming;
- b Subject to the provisions of this Section and upon approval of a Use Permit, the legal non-conforming use of a building or premises may be changed to another use of the same or more restricted classification, except when a legal non-conforming use is replaced by a conforming use, then this replaced area shall remain conforming;
- c Whenever a legal non-conforming use has been discontinued for a continuous period of one year or whenever there is otherwise evident a clear intent on the part of the owner to abandon a legal non-conforming use, such use shall not be reestablished, and the use of the premises thereafter shall be in conformance with the regulations for the district. This one year period may be extended by the Town Council upon showing of good cause;

**3 Legal Non-Conforming Buildings**

- a No building in which the use is non-conforming in any substantial part, shall be structurally altered without securing a Use Permit approval. As a condition of Use Permit approval, the ZDRB in all RS and RM designations, and the Town Council in all other designations may require that the building from then on maintain a conforming use;
- b A non-conforming building may be enlarged or extended only upon approval of a Use Permit. The ZDRB or Town Council may require, as a condition of this approval, that the building maintain a conforming use from then on;

- c No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the non-conforming use;
  - d No legal non-conforming use may be enlarged or extended in such a way as to occupy any land beyond the boundaries of the lot as it existed at the effective date of this Ordinance, or to displace any conforming use in the same building or on the same parcel;
  - e Any legal non-conforming building which has been destroyed by fire or other calamity may be reconstructed or reestablished again within one year upon approval of a Use Permit, as long as the reconstructed or reestablished building complies with the yard or setback requirements in Chapter I, Section C.3 of the Design Ordinance, with the exception of Retained Uses as outlined in Section 5.5. This one year period may be extended by the Town Council with good cause;
- 4 Legal Non-Conforming Signs
- a A legal non-conforming sign may not be re-dimensioned or relocated unless it conforms to the standards of this Ordinance, and is issued an approved Sign Permit as provided in Section 6.3. Changes to the text or color of a legal non-conforming sign shall be approved by the Planning Officer if such changes bring the sign into closer conformance with Section 6.3, Signs, of this Ordinance; and
  - b Whenever a Use Permit application is made in compliance with Section 7.6, Use Permit, the Town Council shall require that any signs attached or located on the premises or building shall conform to the Sign Ordinance.

**6 . 6 . c**

**P e r m i t t e d   U s e s**

Non-conforming uses, buildings and signs are permitted as follows:

- 1 Any use, lawfully occupying a building or land at the effective date of this Ordinance or its amendments, that does not conform to use regulations for the area in which the use is located, shall be considered a legal non-conforming use and may be continued, except as otherwise provided in this Section 6.6;
- 2 Any building, lawfully existing at the effective date of this Ordinance or its amendments, that is lawfully used, or designed for use contrary to regulations of the district in which it is located, shall be a legal non-conforming building and may be so used or continue in such use, except as provided in this Section 6.6. Maintenance and repairs necessary to keep a legal non-conforming building in sound condition during such continuance shall be permitted;
- 3 Any sign lawfully existing at the effective date of this Ordinance or its amendments, that does not conform to the standards of this Ordinance shall be a legal non-conforming sign and may be continued except as provided in this Section 6.6. Maintenance and repairs necessary to keep a legal non-conforming sign in sound condition during such continuance shall be permitted;
- 4 Any building, sign or use for which a permit has been lawfully granted prior to the effective date of an amendment to this Ordinance, may be completed and used in accordance with the approved plans, provided construction is started and diligently pursued to completion in accordance with applicable Town building codes. This building, sign or use shall from then on lawfully exist.



**SECTION 6.7**  
*(previously Section 310)*

**CONDOMINIUM CONVERSION**

**6.7.a**

**Purpose and Application**

The purpose of this section is to assure that a reasonable balance between rental housing and owner occupied housing is maintained; to establish general conditions that regulate the conversion of multi-family rental housing units to condominiums, community apartments, or stock cooperatives; and to guarantee that rental units being converted to condominiums meet reasonable construction criteria under State and local laws, ordinances, and regulations.

The Town Council has made the following findings and conclusions:

- 1 Condominiums and other forms of ownership of homes require different amenities and standards from apartment houses;
- 2 Not all multi-family dwellings have been constructed in a manner suitable for individually owned units and conversion to condominiums;
- 3 Conversion of existing rental housing to condominiums reduces the supply of rental housing and tends to reduce the supply of low and moderate income housing; and
- 4 Unregulated Condominium Conversion displaces low and moderate-income families from the Town of Yountville when a deficiency of multi-family rental units exists.

The following specific rules and regulations established in this Section 6.7 shall apply to condominium conversions:

**6.7.b**

**Supplemental Definitions**

The following terms applicable to this section shall be defined as follows. Other definitions can be found in Section 1.5, "Definitions", of this Ordinance.

**CONDOMINIUM**

This term shall be defined as set forth in California Civil Code Section 783. For the purpose of this ordinance, Condominium shall be deemed to refer to a Condominium, Stock Cooperative and Community Apartment.

**COMMUNITY APARTMENTS**

A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment. Apartments shall be subject to the same restrictions and conditions governing condominiums.

**STOCK COOPERATIVE**

A corporation holding title, either in fee simple or for a term of years, of improved real property where shareholders receive a right of exclusive occupancy in a portion of the real property. Title is held by the corporation, and the right of exclusive occupancy is transferable solely and concurrently with the transfer of the share, shares of stock or member certificate of the corporation. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined by Section 330097.5 of the California Health and Safety Code.

**CONDOMINIUM CONVERSION**

A change in the type of ownership of a parcel of land and existing attached structures to a condominium, community apartment or stock cooperative, regardless of the present or prior use or any improvements of the land or structures.

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6.7.c

**General Conditions**

The following General Conditions shall apply:

- 1 A Use Permit shall be required for the conversion of multi-family rental housing units to condominiums;
- 2 In addition to the findings contained in Section 7.6.b, Use Permits, the ZDRB shall regulate the following conditions prior to approval of a Use Permit for any Condominium Conversion so that no rental housing shortage will exist within the town. For the purposes of this ordinance, a rental housing shortage is presumed to exist when either of the following two conditions occur:
  - a The number of rental units in the town falls below 35 percent of the total housing stock; or,
  - b The number of vacant rental units within the town is five percent or less of all the rental units in the town. The vacancy percentage of rental units and the ratio of rental units to ownership units within the town shall be based upon the most current census data, unless the applicant can provide evidence that such data is inaccurate;
- 3 Upon review of an application for a Use Permit for Condominium Conversion, the ZDRB, shall consider the following:
  - a The number of low and moderate income households that will be displaced by the proposed conversion, and whether or not the applicant intends to provide relocation assistance;
  - b The desire of current tenants either to purchase prospective condominium units or maintain rental status;
  - c The possible effect of the proposed conversion on neighborhood property values and taxes;
- 4 Conversion of existing rental housing to Condominium shall meet the following requirements:
  - a Each dwelling unit shall have space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit;
  - b Each dwelling unit shall be provided with at least 100 cubic feet per unit and an additional 50 cubic feet per bedroom of enclosed weather-proof storage space, either inside or outside the unit, in addition to that required by the Federal Housing Administration's Minimum Property Standards.
  - c Parking within the property lines of the project shall be provided as established in Section 6.2, Off-street Parking and Loading;
  - d The project shall conform to all applicable laws, ordinances, and regulations for existing buildings, including but not limited to those pertaining to housing, building, fire, subdivision, and zoning;
  - e In a project containing five or more units, at least 15 percent of the total number of units shall be made permanently available to low and moderate income families;
- 5 In addition to the information required for a Use Permit application, the following shall be supplied by the applicant:
  - a A report containing the following information:
    - i Length of occupancy of present tenants, current rents, any utilities included in rent, date and amount of last rent increase and household composition of present tenants, by age and sex;
    - ii Nature and expiration date of current leases, approximate proposed sale price of units, expected monthly mortgage payments and association dues, expected financing available to buyers, and a statement indicating the exact number of units existing in the structure proposed to be converted;

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- iii A list of names of all tenants and lessees, and a verifiable written statement declaring that each tenant and lessee has received, by certified U.S. mail, a notification of the filing of a Condominium Conversion application. The applicant shall submit a receipt as evidence that such notification has occurred;
- b A structural pest control report prepared by a licensed pest control operator;
- c The applicant's proposed program to accommodate the relocation and availability of substitute accommodations for the present tenants, and also a statement of preference to sell the units to be converted to the present tenants; and
- d Any other information deemed necessary for evaluation of the application.

6.7.d

*C r i t e r i a   f o r   a   U s e   P e r m i t*

In granting a Use Permit for Condominium Conversion, the ZDRB may impose any conditions it deems reasonable and appropriate to accomplish the purposes established in the Yountville General Plan, Zoning Ordinance, Design Ordinance or other documents.



**SECTION 6.8 VACATION TIME-SHARE REGULATIONS**  
*(previously Section 314)*

Vacation time-share projects are hereby prohibited within all designated land use areas in the Town of Yountville. In this Section 6.8, the term "Vacation time-share project" shall refer to any arrangement where the use, occupancy, or possession of real property circulates among purchasers of intervals of ownership according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, regardless of the name used to describe this method of use, occupancy, or possession.

## **SECTION 6.9 FLOODPLAIN MANAGEMENT REGULATIONS** *(previously Section 313)*

### **6.9.a**

#### **Purpose and Application**

The purpose of these regulations is to promote the health, safety, and general welfare, and to minimize public and private loss due to flood conditions. The intent is as follows:

- 1 To protect human life and health;
- 2 To minimize expenditure of public money for costly flood control projects;
- 3 To minimize the need for rescue and relief efforts associated with flooding, because these efforts are generally undertaken at the expense of the general public;
- 4 To minimize prolonged business interruptions;
- 5 To minimize damage to public facilities and utilities, such as, water and gas mains, electric, telephone and sewer lines, streets and bridges, that are located in areas of special flood hazard;
- 6 To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard, therefore minimizing future flood blight areas;
- 7 To insure that potential buyers are notified that property is in an area of special flood hazard and;
- 8 To insure that residents in areas of special flood hazard assume responsibility for their actions.

The following findings have been made regarding flooding and related losses:

- 1 The flood hazard areas of the Town of Yountville are subject to periodic inundation resulting in loss of life, property, health and safety; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base; all of which adversely affect the public health, safety and general welfare;
- 2 These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately elevated or otherwise protected from flood damage also contribute to the flood loss.

The following specific rules and regulations in this Section 6.9 shall apply:

### **6.9.b**

#### **Supplemental Definitions**

The following terms applicable to this section shall be defined as follows:

#### **APPEAL**

A request for a review of the Floodplain Administrator's interpretations of any provision of these regulations or a request for a variance.

#### **BASE FLOOD**

A flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

#### **BASEMENT AREA**

Any area of the building having its floor sub-grade (below ground level) on all sides.

#### **BREAKWAY WALLS**

Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

- 1 Breakaway wall collapse shall result from a water load of less than that which would occur during the base flood;
- 2 The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

#### **FLOOD OR FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of flood waters, 2) the unusual and rapid accumulation of runoff of surface waters from any source, and/or 3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and enforceable event which results in flooding as defined in this definition.

#### **FLOOD BOUNDARY OR FLOODWAY MAP**

The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Yountville.

#### **FLOOD INSURANCE STUDY**

The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

#### **FLOODPLAIN OR FLOOD PRONE AREA**

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

#### **FLOODPLAIN MANAGEMENT**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.



#### **FLOODPLAIN MANAGEMENT REGULATIONS**

Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose Ordinances (such as floodplain Ordinance, grading Ordinance and erosion control Ordinance) and other applications or police power. The term describes such state or local regulations in any combination, which provide standards for the purpose of flood damage prevention and reduction.

#### **FLOOD PROOFING**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

#### **FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway".

#### **HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

#### **LOWEST FLOOR**

The lowest floor of the lowest enclosed area (including basement area). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area, other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

#### **MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, mobile homes and other similar vehicles placed on a site for greater than 180 consecutive days.

#### **MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rents.

#### **MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

#### **NEW CONSTRUCTION - FLOODPLAIN**

For floodplain management purposes, structures for which the "start of construction" commenced on or before the effective date of a floodplain management regulation adopted by the Town of Yountville.

#### 100 YEAR FLOOD

A flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout these regulations.

#### REMEDY A VIOLATION

To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure regarding the structure or other development.

#### RIVERINE

Relating to, formed by, or resembling a river (including tributaries), streams, brook, etc.

#### SPECIAL FLOOD HAZARD AREA (SFHA)

An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A1-30 and AE.

#### START OF CONSTRUCTION

Substantial improvement, and means the date the building permit was issued, provided the actual start the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

#### SUBSTANTIAL IMPROVEMENTS

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1 Before the improvement or repair is started; or
- 2 If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration accepts the external dimensions of the structure. The term does not, however, include either:

- 1 Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- 2 Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **VIOLATION**

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

#### **6.9.c**

#### **General Conditions**

The Federal Emergency Management Agency or the Federal Insurance Administration, in a report entitled "Flood Insurance Study" for Town of Yountville, dated September, 1979, with an accompanying Flood Insurance Rate Map, has identified a minimum flood hazard area; for the application of this Ordinance, (Revised September 28, 1990), studies identifying additional areas may be recommended by the Floodplain Administrator to the Town Council. The following regulations shall apply to all such areas of special flood hazards within the jurisdiction of the Town of Yountville as indicated in the General Plan, Chapter IV, Section 3 and the Floodplain Zoning Overlay, Section 5.4 of this ordinance.

- 1 These regulations include methods and provisions to reduce flood losses as follows:
  - a Uses which are dangerous to health, safety, and property due to water and erosion hazards, or which result in damaging increases in erosion, flood heights or velocities, will be restricted or prohibited;
  - b Uses, and facilities which serve such uses, are required to be protected against flood damage at the time of initial construction;
  - c The alternation of natural floodplains, stream channels, and natural protective barriers, which accommodate or channel flood waters, will be controlled;
  - d Filling, grading, dredging, and other development which may increase flood damage will be controlled;
  - e The construction of flood barriers which divert flood waters or which may increase flood hazards in other areas will be prevented or regulated;
- 2 A Floodplain Administrator or a designee shall be appointed to administer and implement these regulations by granting or denying Development Permits in accordance with its provisions;
- 3 A Development Permit shall be obtained before construction or development begins within any area of special flood hazards as established in the Section 6.9.c. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question and existing or proposed structures, fill, storage of materials, drainage facilities. The following information is required:
  - a Proposed elevation in relation to mean sea level of the lowest floor (including basement area) of all structures;
  - b Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
  - c All appropriate certification listed in Section 6.9.c.4 of this Ordinance;
  - d Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.



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- 4 Land located in the special flood hazard area as designated in subsection 6.9.c are referred to as floodways. Since a floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - a Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a Registered Professional Engineer or Architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and
  - b If the provision above is satisfied, new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of subsection 6.9.g, Standards for Construction.

6.9.d

Compliance and Enforcement

In addition to the provisions of Article 2, the following shall be applicable to the lands established as a special flood hazard:

- 1 No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of these regulations and other applicable regulations. Violations of the provision of these regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing within this Ordinance shall prevent the Town Council from taking such lawful action as is necessary to prevent or remedy any violation.
- 2 The provisions of these regulations shall be interpreted and applied as follows:
  - a Considered as minimum requirements;
  - b Liberally construed in favor of the Yountville Town Council;
  - c Deemed neither to limit nor repeal any other powers granted under state statutes.
- 3 The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards, or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the Town of Yountville, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on these regulations.

**6.9.e**

**Duties And Responsibilities of  
The Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

**1 Permit Review**

- a Review all development permits to determine that the permit requirements of these regulations have been satisfied;
- b All other required state and federal permits have been obtained; including Section 404 of the Federal Water Pollution Control Act Amendments of 1972;
- c The improvements on a site are reasonably safe from flooding;
- d The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this Ordinance, "adversely affected" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

**2 Use of Other Base Flood Data**

When base flood elevations data has not been provided in accordance with section 6.9.c., Basis for Establishing Flood Hazard, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer section 6.9.g, Standards for Construction. Any such information shall be submitted to the Yountville Town Council for adoption.

**3 Proposed Alteration or Relocation of a Watercourse**

- a Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- b Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

**4 Obtaining and Maintaining Public Inspection**

- a the certification required in section 6.9.g, regarding floor elevations;
- b the certification required on section 6.9.g, regarding elevation or floodproofing of nonresidential structure;
- c the certification required in section 6.9.g, regarding wet floodproofing standard;
- d the certification elevation required in subsection 6.9.i, regarding subdivision standards;
- e the certification required in section 6.9.d.4, regarding floodway encroachments.

**5 Interpretations**

If a boundary of a special flood hazard area is contested, reasonable opportunity to appeal the interpretation shall be given, as provided in section 6.9.k.

**6 Violations**

The Floodplain Administrator shall enforce these regulations as specified in subsection 6.9.e.

**6.9.f**

**Standards Of Construction**

In all areas of special flood hazards the following standards of construction are required:

**1 Anchoring**

- a All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- b All manufactured homes shall meet the anchoring standards of section 6.9.j.

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**2 Construction Materials and Methods**

- a All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- b All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage; and
- c All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**3 Elevation and Floodproofing.**

- a New construction and substantial improvements of any residential structure shall have the lowest floor, including basement area, elevated one foot or more above the base flood elevation. New construction and substantial improvements of a nonresidential structure shall have the lowest floor, including basement area, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in section 6.9.g.2, regarding elevations and floodproofing. Upon the completion of the structure the elevation of the lowest floor including basement area shall be certified by a Registered Professional Engineer or Surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator; and
- b Non-residential construction shall either be elevated in conformance with section 6.9.g.1, or as follows ( coordinate with attendant utility and sanitary facilities):
  - i Adequately floodproofed so that below the base flood level the structure is watertight, that is, walls substantially impermeable to the passage of water;
  - ii Capability of structural components to resist hydrostatic and hydrodynamic loads and effects of buoyancy;
  - iii Certification by a Registered Professional Engineer or Architect that the standards of this subsection are satisfied. Such certifications shall be submitted to the Floodplain Administrator; and
- c Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces automatically on exterior walls by allowing for the entry and exit of floodwaters. Designs must either be certified by a Registered Professional Engineer or Architect or meet one of the following minimum criteria:
  - i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other devices provided that they permit the automatic entry and exit of floodwaters; or
  - ii Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration; and
- d Manufactured homes shall also meet the standards in subsection 6.9.j.



6.9.g

**Standards For Utilities**

- 1 All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and to minimize or eliminate discharge from systems into flood waters; and
- 2 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6.9.h

**Standards For Subdivisions**

- 1 All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood;
- 2 All final subdivision plan will provide the elevation of proposed structures and pads. If the site is to be filled above the base flood level, the final pad elevation shall be certified by a Registered Professional Engineer or Surveyor. This certification shall be provided to the Floodplain Administrator;
- 3 All subdivision proposals shall be consistent with the need to minimize flood damages;
- 4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and
- 5 All subdivisions shall provide adequate drainage to reduce exposure to flooding.

6.9.i

**Standards For Manufactured Homes**

All new and replacement manufactured homes and additions to manufactured homes shall:

- 1 Be elevated so that the lowest floor is one foot or more above the base flood elevation; and
- 2 Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

6.9.j

**Appeal Board**

- 1 The Town Council of the Town of Yountville shall hear and decide appeals and requests for a variance of this Ordinance;
- 2 The Town Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations;
- 3 In voting upon appeal applications, the Town Council shall consider all technical evaluations, all relevant factors and standards specified in other sections of these regulations, and:
  - a the danger that materials may be swept onto other lands to the injury of others;
  - b the danger of life and property due to flooding or erosion damage;
  - c the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d the importance of the services provided by the proposed facility to the Town of Yountville;
  - e the necessity of a waterfront location for certain facilities, where applicable;
  - f the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g the compatibility of the proposed use with existing and anticipated development;
  - h the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i the safety of access to the property in time of flood for ordinary and emergency vehicles;

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- j the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  - k the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges;
- 4 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all conditions of this subsection number 3, a-k above have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variances increases;
  - 5 Upon consideration of the factors of this subsection, number 3 above, and the purposes of these regulations, the Town Council may attach conditions to variances issued, in order to comply with the intent of this Ordinance; and
  - 6 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

6.9.k

Conditions for Variances

- 1 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures established in the remainder of this section;
- 2 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result; and
- 3 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4 Variances shall only be issued upon:
  - a Demonstration of a good and sufficient cause;
  - b Determination that a failure to grant the variance would result in exceptional hardship to the applicant; and
  - c Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
- 5 Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of this subsection, numbers 1-4 above, are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- 6 Any applicant to whom a variance is granted shall be given written notice recording the following: the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the Napa County Recorder and shall be recorded so that it is incorporated into the chain of land title .

## ARTICLE 7.

## IMPLEMENTATION

### SECTION 7.1

### APPLICATIONS AND HEARINGS

(previously Section 406)

The procedures for applications and hearings shall be as described in this Section 7.1 for any action of an Amendment, Design Review, Master Development Plan Review, Use Permit, or Variance described in the following Sections 7.2 through 7.6. In addition, the Planning Officer, the Zoning and Design Review Board (ZDRB) and the Town Council may from time to time establish policies, rules and regulations which further define these procedures.

#### 7.1.a

#### Applications

##### 1 Who May Initiate

Any action involving an Amendment, Design Review, Master Development Plan Review, Use Permit, or Variance may be initiated by application of the owner, or authorized agent for the owner of the property affected by the proposed action. In addition, a zoning change may be initiated by motion of the Town Council on its own initiative;

##### 2 Where To File

Applications shall be filed in the office of the Town Clerk;

##### 3 Content of Applications

The content of applications shall be in accordance with the policies, rules and regulations of the Planning Officer and the Town Council. All applications shall be upon prescribed forms, and shall contain or be accompanied by all information required to assure the presentation of pertinent record. The applicant may be required to submit, as part of the application, information needed for the preparation and mailing of notices as specified in Section 7.1.c. The Planning Officer shall make a written determination when an application is deemed "complete" within 30 days of receipt of the application. Such determination of completeness may require the submission of additional information.

##### 4 Verification

Each application filed shall be verified by at least one owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented;

##### 5 Filing Date

The filing date of an application shall be the date on which the Office of the Town Clerk receives the application, plans, maps or other material required as a part of that application, unless the Planning Officer agrees in writing to an earlier filing date;

##### 6 Fees

Before accepting any application for filing, the Town Clerk shall charge and collect a fee and deposit towards application processing as established by resolution and adopted by the Town Council as follows:

- a Use Permit or Change of Use
- b Use Permit Amendment
- c Use Permit and Variance Extension
- d Variance, or Adjustment, or Exception
- e Design Review
- f Design Review Extension and Amendment
- g Amendment to this Title, including Rezoning



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- h Preliminary Development Plan Review
- i Master Development Plan Review
- j Planned Development Master Plan Amendment
- k Appeal from Decision of Planning Officer to Town Council
- l Appeal from Decision of ZDRB to Town Council

7.1.b

Scheduling of Hearings

When an action for an Amendment, Design Review, Master Development Plan Review, Use Permit, Exception, or Variance or has been initiated by application or otherwise, the Town Clerk shall set a time and place for a hearing within a reasonable period. For all application, such period shall not exceed 30 days from the date upon which the application is deemed complete.

7.1.c

Notice of Hearing

- 1 Except as indicated in (b) below, notice of the time, place and purpose of the hearing for an action involving an Amendment, Design Review, Master Development Plan Review, Use Permit, Exception, or Variance shall be given by the Town Clerk as follows:
  - a By mail to the property owner and to the person or agency initiating the action, if different than the property owner;
  - b By mail or delivery, except in the case of proposed Amendments to change the text of the Ordinance, to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of the area. The names and addresses of the owners as shown on the latest town-wide assessment roll in the office of the Tax Collector shall be used for this purpose. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action. Notice shall be given not less than 10 days prior to the date of the hearing;
  - c By posting public notices, except in Variance cases, in at least three places within the Town. Notices shall be posted not less than 10 days prior to the date of the hearing;
  - d Such other notice as the Town Clerk shall deem appropriate;

- 2 In the following situations, notice of hearing shall be given as indicated:
  - a In the case of Amendments to reclassify land on the basis of general land use studies for one or more land use areas, where these studies are town-wide in scope or cover a major sub-area of the city as determined by the Town Council, and where the total area of land, excluding the area of public streets and alleys, is 20 acres or more, the notice given shall be as described in (1) above, except that the notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification;
  - b In the event that the number of owners to whom notice would be sent in accordance with Sections 7.1.c.1 and 7.1.c.2 (a) is greater than 1,000, notice shall be given at least 10 days prior to the hearing by either of the following procedures:
    - i by placing an advertisement in a newspaper circulated in the area affected;
    - ii by including an insert with any generalized mailing sent by the Town to property owners in the area affected, such as billings for town services; Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

7.1.d

Conduct of Hearings

1 Reports And Recommendations

In all actions for Amendment, Design Review, Planned Development Review, Variance or Use Permit, the Planning Officer shall make necessary investigations and studies and submit his or her findings together with a report and recommendation at the hearing of the ZDRB or Town Council;

2 Record

A record shall be kept of the pertinent information presented at the hearing on any action for an Amendment, Design Review, Planned Development Review, Variance or Use Permit, and such record shall be maintained as part of the permanent public records of the Town. A verbatim record may be made if permitted or ordered by the ZDRB or Town Council in the case of actions for Amendments or Use Permits.

3 Continuations

In the case of actions for Amendment, Design Review, Master Development Plan Review, Use Permit, or Variance the ZDRB shall determine in which instances the cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing; and

4 Decisions

The decision of the ZDRB or the Planning Officer shall be in accordance with the provisions of each type of case in Sections 7.2 through 7.6. In the case of Variances, the decision of the ZDRB shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of the hearing's conclusion. Failure of the ZDRB to act within the prescribed time shall entitle the applicant to place the matter before the Town Council for decision at its next regular meeting. In the case of actions for Amendments Design Review, planned development review, or use permit, the decision of the ZDRB shall be rendered within 60 days from the date of conclusion of the hearing; failure of the Board to act within the prescribed time shall be deemed to constitute approval.

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**7.1.e**

**Reconsideration**

Whenever any application or any part of an application for Amendment, Design Review, Master Development Plan Review, Use Permit, or Variance has been disapproved by the ZDRB or Town Council, the same or substantially similar application shall not be submitted or reconsidered by the ZDRB or Town Council within one year from the effective date of final action upon the earlier application.

**7.1.f Other Powers and Duties of Planning Officer**

In addition to those powers and duties specified in Sections 7.2 through 7.6, the Planning Officer shall, consistent with this Ordinance and in accordance with its objectives, issue and adopt rules, regulations and interpretations that are necessary to administer and enforce the provisions of this Ordinance. Such rules, regulations and interpretations shall be in writing and made part of the permanent public records of the Town. In addition, the Planning Officer and all other department officials and employees of the Town shall cooperate with one another to insure the proper administration of this Ordinance and rules, regulations and interpretations relative to the Ordinance. The Planning Officer shall furnish this information to the departments, officers and employees in order to achieve the purposes of this Section 7.1.

**7.1.g**

**Effective Date**

- 1 The decision of the Planning Officer, ZDRB or Town Council, whichever is the appropriate review authority, to approve an application for Design Review, Master Development Plan Review, Use Permit, or Variance shall become effective 10 working days following the date of approval, unless a valid appeal has been filed; and
- 2 The decision of the Town Council to approve an application for a Zoning Amendment shall become effective 30 days following the date of decision.



**SECTION 7.2**

**AMENDMENTS TO ZONING**

*(previously Section 405)*

*(title was formerly AMENDMENTS AND REZONING)*

**7.2.a**

**General Conditions**

The following general conditions shall apply to all Amendments to Zoning as established in this Section 7.2:

- 1 Whenever the public health, safety and general welfare warrants such action, the Town Council may amend, supplement, or change the zoning regulations by Ordinance, provided that the Yountville Zoning Ordinance shall be consistent with the General Plan, which in turn, is in accordance with the State Government Code, Section 65860;
- 2 In the event the Zoning Ordinance becomes inconsistent with the General Plan by reason of Amendment, the Zoning Ordinance shall be amended within a reasonable time to remain consistent with the General Plan; and
- 3 The procedures for Amendments to zoning shall be as specified in this Section 7.2 and in Section 7.1.

**7.2.b**

**Town Council or Zoning and Design Review Board**

The Town Council, or the ZDRB if referred by the Town Council, shall hold a hearing on an application submitted for review. After the hearing, the ZDRB shall submit its recommendation in written form to the Town Council. The recommendation shall include the reasons for the recommendation, and the relationship of the proposed Ordinance, Amendment or supplement to the adopted General Plan. The recommendation shall be transmitted to the Town Council in the form and manner specified by the Town Council.

**7.2.c**

**Town Council**

The Town Council shall hold a hearing on the application. If the application is referred to the ZDRB, the Town Council may approve, modify or disapprove the recommendation of the ZDRB, and this decision shall be final and conclusive. If the classification of any property is to be changed, an Ordinance shall be passed and the Planning Officer shall change the official Zoning Map to be in conformance.

**SECTION 7.3**  
*(previously Section 403)*

**DESIGN REVIEW**

**7.3.a Purpose and Application**

Design approval is in the public interest and necessary to promote and protect the safety, convenience, comfort, prosperity and general welfare of the citizens of the town. All new development will be required to follow the provisions of this Section with the following intent:

- 1 To preserve and enhance the natural beauty of the land and of the man-made environment, and the enjoyment thereof;
- 2 To maintain and improve the qualities and relationships between individual buildings, structures and physical developments which contribute to the amenities and attractiveness of an town or neighborhood;
- 3 To protect and ensure the adequacy and usefulness of all development, public and private, as they relate to each other and to the neighborhood or town;
- 4 To protect and enhance the uses and buildings in the Old Town;
- 5 To prevent the dissipation of beauty, amenity and usefulness, it is necessary:
  - a To stimulate creative design for individual buildings, groups of buildings and structures and other physical developments;
  - b To integrate the functions, appearance, and location of buildings and improvement in order to best achieve a balance between private prerogatives and preferences, and the public interest and welfare; and
- 6 To reinforce the Town Structure as defined in Chapter II of the General Plan and enhance public space.

The Design Ordinance provides detailed guidance to achieve the above objectives. Specific standards that regulate FAR, setbacks, height, open space, and encroachments for building types are found in the Design Ordinance. In addition, standards are identified for land division, public improvements, site planning, and landscaping. The Design Review process includes evaluation of a property according to regulations and standards in both the Design Ordinance and the Zoning Ordinance.

**7.3.b Supplemental Definitions**

The following terms applicable to this section shall be defined as follows. Other definitions can be found in Section 1.5, Definitions, of the this Ordinance:

**PHYSICAL IMPROVEMENT**

This term may include new development or an alteration of existing development, including but not limited to parking and loading areas, fences and signs. (see Alteration Section 1.5)

**7.3.c**

**General Conditions**

The following general conditions shall apply to all Design Review as established in this Section 7.3:

- 1 Review and approval of plans and proposals for the physical improvement or change of land, buildings, and structures, is required and is designated as "Design Review";
- 2 Review and approval of plans and proposals shall assure that a development or physical improvement is designed and located in accordance with this Ordinance and the Design Ordinance;
- 3 The Town Council shall hear and make determinations regarding applications for design review of commercial development in accordance with the provisions of this Section 7.3. The ZDRB shall hear and make determinations regarding applications for design review of residential development in accordance with the provisions of this Section 7.3, or as directed by the Town Council;
- 4 Design approval shall be secured for the construction of all new buildings, structures and physical improvements and for the addition, extension and extensive change of existing buildings, structures and physical improvements, except as provided in this Section 7.3;
- 5 When authorizing design approval the Town Council or ZDRB shall prescribe the character and extent of the design approval and also the specifications and conditions necessary to secure the objectives of this Ordinance and the Design Ordinance. Once any portion of the granted design approval is utilized, all such specifications and conditions pertaining to the authorization shall become operative immediately. The violation of any specification or condition shall constitute a violation of this Ordinance and may constitute grounds for revocation of the design approval. The conditions may include time limits for construction; otherwise, construction must commence within a reasonable time; and
- 6 The Town Council or ZDRB may approve a Design Review application if the applicant presents facts that clearly demonstrate to their satisfaction, that disapproval will cause immediate and substantial hardship because of conditions specific to the structure or features involved and that approval of the application will be consistent with the purposes of this Section 7.3. If hardship is found to exist, the Town Council or ZDRB shall make a written finding specifying the facts demonstrating hardship.

**7.3.d**

**Matters Exempt from Design Review**

The following developments and physical improvements are exempt from Design Review procedures and requirements:

- 1 Agricultural buildings, structures, and improvements; and
- 2 Other improvements determined by the Planning Officer to be minor or incidental and within the intent and objectives of this Ordinance and the Design Ordinance.

**7.3.e**

**Criteria for Approval**

The review and approval of plans and proposals shall assure that a development or physical improvement is designed and located in a manner that will best satisfy the following criteria:

- 1 It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;
- 2 It will not impair or interfere with the development, use, or enjoyment of other property in the vicinity, nor with the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;



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- 3 It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties;
- 4 It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Such adverse effects may include, but are not limited to those produced by the design, location and characteristics of the following:
  - a Areas, paths, and rights-of-way for the containment, movement or general circulation of persons and vehicles;
  - b Other developments or improvements that may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy;
- 5 It will satisfy the standards in resolutions that the Town Council may adopt regarding design approval; these standards may be applied to the Town as a whole or in one or more land use designations; and
- 6 Where possible existing healthy trees shall be protected in compliance with Chapter I, Section B.5 of the Design Ordinance and Section 6.4 of this ordinance.

7.3.f

E x p i r a t i o n   a n d   E x t e n s i o n

- 1 Approval of a Design Review application shall expire one year from the effective date of approval if construction has not commenced, unless a different expiration date is stipulated at the time of approval. Prior to the expiration of a Design Review approval, the applicant may apply to the Planning Officer for an extension of one year from the date of expiration. Not more than one extension shall be granted;
- 2 The Planning Officer may make minor modifications of the approved design at the time of extension if he finds that there has been a substantial change in the factual circumstances surrounding the originally approved design; and
- 3 If building or other permits are issued during the effective life of a Design Review permit, the expiration date of the Design Review permit shall be automatically extended to concur with the permit expiration date.

## SECTION 7.4      MASTER DEVELOPMENT PLAN & REVIEW

### 7.4.a      Purpose and Application

The Purpose of Master Development Plans is to regulate new development by establishing a coherent and complete plan which describes all proposed uses and improvements to be included within the development. To ensure that the intent of the General Plan, the provisions of this Ordinance, and the standards of the Design Ordinance are met, the review process will establish a set of documents, including a subdivision map with conditions of approval, to govern the development. Master Development Plans are required for all the remaining unbuilt parcels, parcels which can be subdivided into 5 or more smaller parcels or lots, and parcels occupied by Retained Uses. The following specific rules and regulations established in this Section 7.4 shall apply to all Master Development Plans.

### 7.4.b      Review Process

All proposals for subdivision or development of 5 or more lots shall be required to submit a Master Development Plan. There are three stages in the review process which are outlined below and include the following: 1) Conceptual; 2) Preliminary; and 3) Final. The Final Stage includes Design Review as established in Section 7.3 of this Ordinance. All three stages shall be required for subdivision of an entire tract or parcel into individual lots where it is the intention of the landowner or developer to build all or a portion of the proposed development. However, a Preliminary Master Development Plan may be granted when a landowner or developer applies only for the subdivision of an entire tract or parcel into sub-parcels. All Preliminary Master Development Plans shall be prepared and endorsed by a licensed civil engineer or licensed land surveyor. All Final Master Development Plans shall be prepared and endorsed by a licensed architect, civil engineer, or landscape architect.

Final Master Development Plans shall consist of both a Use Permit and Design Review approval along with sufficient plans and exhibits to document all project features and conditions.

### 7.4.c      Conceptual Stage

The Conceptual Stage is intended to be a discussion and informal review of the proposed subdivision or development which establishes the overall direction for the proposed subdivision or development, which then enables a landowner or developer to make a formal application by submitting a set of documents as established in Section 7.4.d. Any owner or developer who wants to build upon or subdivide for resale portions of an entire tract or parcel of land shall engage in discussion and informal review with the Town. The Conceptual Stage shall include meetings with the Town staff, Town Council, and other regulatory agencies; however, no formal action shall be required. This review shall not be construed as an official endorsement of any proposed uses, precise location of uses, or configurations of parcels. It is recommended that drawings used for discussion include a recent or accurate engineer's survey as a basis for addressing the issues outlined below.

The following shall be addressed for all proposed subdivisions or developments:

- 1    Relation to existing and future uses in surrounding area according to the General Plan;
- 2    Proposed land uses;
- 3    The potential street layout for the entire tract or parcel of land;
- 4    The configuration and subdivision into sub-parcels or individual lots;
- 5    Any existing utility services or easements, and potential improvements necessary for the proposed subdivision or development;

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- 6 Any open space easements, such as view corridors, as outlined in the General Plan;
- 7 Any parks or other common open space;
- 8 Existing natural features on a site, i.e. large healthy trees, Hopper Creek;
- 9 Provisions for pedestrian and bicycle paths; and
- 10 Potential vehicular access and off-street parking.

In addition to 1-10 above, the following shall be addressed for all residential uses:

- 11 Whether or not the Density Bonus will be utilized, and if so, the number of affordable housing units to be provided;
- 12 The total number of dwelling units; and
- 13 The potential housing types, such as single-family house or multi-family buildings.

In addition to 1-10 above, the following shall be addressed for all commercial uses:

- 14 The potential commercial uses and related total square footage; and
- 15 The accommodation of off-street parking, its access, and where applicable, loading;

7.4.d

Preliminary Stage

Following the Conceptual Stage, an owner or developer shall submit a formal application for a Preliminary Master Development Plan of a proposed subdivision or development. The Preliminary Stage is intended to establish a set of documents and conditions of approval which will regulate the subdivision or development whether it occurs in phases by a single owner or developer, or in smaller increments by separate owners or developers. The Preliminary Stage requires the Town Council to make findings according to criteria outlined in Section 7.4.f below.

Prior to approval of a Preliminary Master Development Plan, the applicant must first submit 10 copies of the proposed plan, which meet the requirements established in this section, to the Town Clerk by an appropriate representative and signed by all of the property owners. Following receipt of a submittal and clearance from environmental or other regulatory agencies, the Town Clerk shall set a public hearing date concurrent with a Town Council meeting, and not more than one month from date of receipt. Notice of the hearing shall follow the procedures described in Section 7.1 of this Ordinance.

No improvements to the land shall commence or be approved until the Town Council has approved the Preliminary Master Development Plan. The approved subdivision or development shall be subject to all conditions imposed upon it, and shall not be excepted from other Ordinance provisions unless specified within the conditions of approval. All improvements shall be in accordance with the approved or amended Preliminary Master Development Plan. No building construction shall commence without an approved Final Master Development Plan.

To submit a Preliminary Master Development Plan, all applications for subdivision into sub-parcels (which still can be subdivided into individual lots), or individual lots shall address the following:

- 1 Relation to existing and future uses in surrounding area according to the General Plan;
- 2 Proposed land uses;
- 3 Exact layout for the entire tract or parcel of land including the location of streets and identification of street types according to Section A.1 of the Design Ordinance;
- 4 Exact configuration and subdivision into sub-parcels or individual lots, including areas, dimensions, and if applicable variety of lot sizes;



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- 5 Any existing utility services or easements, and proposed improvements necessary to the proposed subdivision or development;
- 6 Any open space easements outlined in the General Plan, i.e. view corridors;
- 7 Proposed dedications for public use, including open spaces, parks or play areas
- 8 Existing natural features on a site, i.e. large healthy trees, Hopper Creek;
- 9 Proposed location of pedestrian and bicycle paths, if applicable;
- 10 Proposed vehicular access, off-street parking, and if applicable, loading areas;
- 11 A tabulation of the land area to be devoted to each different use, including open space, streets, and residential or commercial;
- 12 A written statement which outlines the mitigation measures for potential site development problems such as flooding, access, seismic hazards, noise; and
- 13 Any additional information as may be required by the Planning Officer.

In addition to 1-13 above, the following shall be addressed for all residential uses:

- 14 Total number of dwelling units;
- 15 If the density bonus is granted; the number and location of affordable units required;
- 16 If the density bonus is not utilized; the in-lieu fee required; and
- 17 The average density per net acre and per gross acre;

In addition to 1-13 above, the following shall be addressed for all commercial uses:

- 18 Proposed uses and related total square footage;
- 19 A statement of intended commercial uses;
- 20 A market analysis of proposed commercial uses, if deemed necessary; and
- 21 The "fair-share" fee required as established by the "nexus" study.

**SUBMITTAL PACKAGE**

The following information shall be provided in the form of drawings and related text by applicants for a Preliminary Development Plan:

- 1 A engineer's survey map of the property, including the 100 feet surrounding the property and showing existing features, such as trees, buildings or structures, streets, easements, utilities, land uses, and ownerships;
- 2 A map of the proposed Preliminary Master Development Plan. The map will show the following: the entire property boundary, all proposed sub-parcels or individual lot lines, all existing and proposed street or alley rights-of-way including location, type, width, utilities, drainage, grading and landscaping; all proposed non-private open space including location, dimensions and landscaping; proposed bicycle and pedestrian paths;
- 3 A map delineating the sub-parcels or individual lots, including identification number, area and dimensions for each, or a tentative subdivision map;
- 4 A tabulation including the following: the total number of acres in the proposed subdivision; total area of proposed and existing streets, and non-private open space; the percentage of the gross area designated for each use; and include the following where applicable: the total number of proposed dwelling units; total number of affordable housing units including specified location; the average density per net acre and per gross acre; the total gross square footage of commercial uses, non-private open space, parks, public or semi-public community buildings and facilities;
- 5 A schedule outlining proposed improvements and timing of construction;
- 6 Any additional drawings or related information as may be deemed necessary by the Planning Officer; and
- 7 A completed Environmental Information Form.

**7.4.e**

**Final Stage**

Following the Preliminary Stage, an owner or developer shall submit a formal application for a Final Master Development Plan of a proposed development. The Final Stage is intended to establish a set of documents and conditions of approval which will regulate the development whether it occurs in phases by a single owner or developer, or in smaller increments by separate owners or developers. The Final Stage requires the Town Council to make findings according to criteria outlined in Section 7.4.f below. The Final Stage includes the process for Design Review as outlined in Section 7.3 of this Ordinance.

Prior to approval of a Final Master Development Plan, the applicant must first submit 10 copies of the proposed plan, which meet the requirements established in this section, to the Town Clerk by an appropriate representative and signed by all of the property owners. Following receipt of a submittal and clearance from environmental or other regulatory agencies, the Town Clerk shall set a public hearing date concurrent with a Town Council meeting, and not more than one month from date of receipt. Notice of the hearing shall follow the procedures described in Section 7.1 of this Ordinance.

No improvements or building construction to the land shall commence or be approved until the Town Council has approved the Final Master Development Plan. The approved subdivision or development shall be subject to all conditions imposed upon it, and shall not be excepted from other Ordinance provisions unless specified within the conditions of approval. All improvements shall be in accordance with the approved or amended Final Master Development Plan.

To submit a Final Master Development Plan, all applications for subdivision of an entire tract or parcel into individual lots with associated uses shall address the following issues, in addition to items 1-21 listed for the Preliminary Stage, in Section 7.4.d above: Prior to approval of the Final Master Development Plan the applicant shall comply with the provisions of Section 7.3, Design Review:

- 1 Building design including schematic plans, elevations, massing, height, materials, and color for that portion of the proposed development to be constructed under this Design Review approval;
- 2 Design principles, including building massing, parking configuration, architectural character and landscape features for buildings and street frontages for that portion of the proposed development to be sold or constructed separately. A separate Design Review approval shall be required for all building types not included in item 1 above;

In addition to 1-2 above, the following shall be addressed for all residential uses:

- 3 The types of housing and their location;
- 4 When a density bonus has been granted, the timing for the construction of the affordable housing units which includes the following provision: for every five dwelling units constructed at least one shall meet affordability requirements;

In addition to 1-2 above, the following shall be addressed for all commercial uses:

- 5 The types of commercial buildings and their location;



#### SUBMITTAL PACKAGE

The following information shall be provided in the form of drawings and related text by applicants for Final Development Plan, in addition to items 1-6 listed for the Preliminary Stage, in Section 7.4.d above:

- 1 A map of the proposed Final Master Development Plan. In addition to those items listed for the submittal package in 7.4.d.2, the map will show the following: the proposed building type for each lot including building footprint, driveways, off-street parking; and landscaping including plant species.
- 2 A map delineating the sub-parcels or individual lots, including identification number, area and dimensions for each, or a final subdivision map;
- 3 In addition to those items listed for the submittal package in 7.4.d.4, a tabulation including the following: total square footage of all building types including FAR calculation, where applicable.
- 4 A schedule outlining proposed construction and timing of future construction; and
- 5 Any additional drawings or related information as may be deemed necessary by the Planning Officer.

**7.4.f Criteria for a Master Development Plan**  
The Town Council shall hear and make determinations regarding applications for Preliminary or Final Master Development Plan approval. Compliance with these requirements shall not be construed to relieve the applicant from compliance with the subdivision code or any other applicable ordinances of the Town. After review of any Preliminary or Final Master Development Plan, the Town Council may approve it as submitted, may modify, alter, adjust or amend it or may prescribe additional conditions as necessary to comply with the General Plan, the Design Ordinance or this Ordinance.

The Town Council shall make the following findings when approving a Preliminary or Final Master Development Plan:

- 1 Each increment of development creates an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained at specific phases or portions of development;
- 2 The design of the proposed development is consistent with the intent of the General Plan, Design Guidelines and any other applicable plans or policies adopted by the Town Council, or those in the process of being prepared and adopted;
- 3 The development maintains the existing character and scale of Yountville. A Final Master Development Plan shall ensure that building heights, scale and bulk and will be integrated with the existing and future surrounding uses;
- 4 The existing or proposed utility services are adequate for the land uses and projected population;
- 5 The proposed streets are suitable and adequate to carry anticipated traffic, that the proposed development will not generate traffic in such amounts as to overload the street network outside the site, and that points of ingress and egress will not substantially interfere with normal traffic flow;
- 6 Every effort shall be made to preserve existing healthy trees, and archeological sites, where applicable ;
- 7 Maintenance of open space which preserve view corridors, enhance Hopper Creek, buffer the visual impact of Highway 29, and protects adjacent land in the Agricultural Preserve;
- 8 A mix of building types and lot sizes will be provided;
- 9 Environmental hazards will be adequately mitigated;
- 10 Provisions of supplemental ordinances as outlined in Article 6 for parking, open space, signs, and accessory uses;



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- 11 All proposed commercial development meets the criteria of Section 6.5 of this ordinance.
- 12 Provisions for bicycle and pedestrian paths shall be consistent with the Bikeways Plan;
- 13 The proposed development is consistent with the affordable housing policy as established in Section 6.1 of this Ordinance; and
- 14 In addition to all of the above, the overall site plan of the proposed development shall be integrated, coherent and reinforce the Town Structure as established in the General Plan.

**7.4.g**

**M o d i f i c a t i o n   a n d   T e r m i n a t i o n**

Minor changes to an approved Preliminary Master Development Plan may be granted prior to approval of the Final Master Development Plan by the Town Council, provided that prior written consent of the Planning Officer is obtained and that the change is consistent with the conditions of the approved Final Master Development Plan. Minor changes shall not include changes to the approved land use, densities, the property boundaries, or location of use shown on the Final Master Development Plan. Changes in use subsequent to the approval of a Final Master Development Plan shall follow the provisions established for Use Permits in Section 7.6.e.

All modifications or amendments to an approved Preliminary or Final Master Development Plan other than minor changes shall be processed as an amended application and shall be subject to all of the provisions of this Section 7.4, however, the filing fee shall be one-half the fee charged for filing an original application.

An approved Final Master Development Plan shall automatically terminate and become null and void two years after the effective date of such approval unless a building permit for the parcel or a portion of the parcel is issued prior to the expiration date; in that case, the approval shall remain in effect as long as the building permits are valid and in force.

**SECTION 7.5**  
(previously Section 401)

**VARIANCES**

**7.5.a**

**General Conditions**

The following general conditions shall apply to all Variances as established in this Section 7.5:

- 1 The ZDRB shall hear and make determination regarding applications for Variances from the strict application of quantitative standards, other than densities, of this Ordinance and the Design Ordinance. The Board shall have power only to grant Variances that are in harmony with the general purpose, intent and specific rules of this Ordinance and the Design Ordinance. The Board shall have power to grant Variances only to the extent necessary to overcome practical difficulty or hardship as established in the provisions of this Section;
- 2 No Variance shall be granted, in whole or in part, that would:
  - a Have an effect substantially equivalent to a reclassification of property;
  - b That would permit any use or type of sign not expressly permitted for the land use designation in which the property is located;
  - c That would grant a privilege that should be administered under a Use Permit procedure;
  - d That would change a definition in this Ordinance;
- 3 The procedures for Variances shall be as specified in this Section 7.5 and in Section 7.1, Applications and Hearings; and
- 4 In granting any Variance the ZDRB, or Town Council on appeal shall specify the character and extent of the Variance, and shall also prescribe specifications and conditions necessary to secure the objectives of this Ordinance and the Design Ordinance. Once any portion of the granted Variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition shall constitute a violation of this Ordinance and may constitute grounds for revocation of the Variance. The conditions may include time limits for carrying out the Variance; otherwise, any exercise of a Variance must commence within a reasonable time.

**7.5.b**

**Findings Required**

The ZDRB shall hold a hearing on the application. A Variance shall be granted only if the facts presented establish the following:

- 1 There are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- 2 Due to exceptional or extraordinary circumstances not created or attributable to the applicant or owner of the property, the literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship;
- 3 This Variance will not constitute a grant of special privilege that is inconsistent with limitations imposed on similarly zoned properties;
- 4 This Variance is necessary for the preservation and enjoyment of the right of property, the same that is possessed by other property in the same land use designation;
- 5 This Variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- 6 The granting of such Variance will be in harmony with the general purposes and intent of this Ordinance and will not adversely affect the General Plan.

**SECTION 7.6**  
(previously Section 402)

**USE PERMITS**

**7.6.a**

**General Conditions**

The following general conditions shall apply to all Use Permits as established in this Section 7.6:

- 1 The Town Council shall hold a public hearing to make determinations regarding applications for all uses identified as requiring a Use Permit within the RS, RM, H, PF, MHP, PC, RSC, and MPR Land Use Districts; all Home Occupations, Second Residential Uses, and Retained Uses; and all other designations specified in this ordinance. The Town Council shall also hold public hearings for all Changes of Use for Retained Uses and for Changes of Use which are not part of a Master Development Plan in the PC and RSC Districts.
- 2 The procedures for a Use Permit shall be as specified in this Section 7.6 and Section 7.1;
- 3 When authorizing a Use Permit, the Town Council or the ZDRB, or the Town Council on appeal of a ZDRB action, shall prescribe additional conditions beyond those specified in this Ordinance necessary to secure the objectives of this Ordinance. Once any part of the Use Permit authorization is utilized, all the specifications and conditions pertaining to the authorization shall become operative immediately. The violation of any specification or condition shall constitute a violation of this Ordinance and may constitute grounds for revocation of the Use Permit authorization. The conditions may include time limits for carrying out the Use Permit; otherwise, any Use Permit must commence within a reasonable time.

**7.6.b**

**Findings Required**

After its hearing on the application, the Town Council or the ZDRB may approve the application and authorize a Use Permit if the facts presented establish the following:

- 1 The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with the neighborhood and community;
- 2 Such use or feature, as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - c The safeguards afforded to prevent noxious or offensive emissions such as glare, dust and odor;
  - d The proposed use will not result in excessive levels of noise for any period of time;
  - e Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
- 3 Such use or feature as proposed will comply with the applicable provisions of this Ordinance and will be consistent with the policies and standards of the General Plan.

Such action of the Town Council or the ZDRB, in either approving or disapproving the application, shall be final except that a valid appeal of a ZDRB action may be filed with the Town Council as provided in Section 7.8.



**7.6.c**

**Modification of Conditions**

Authorization of a change in any condition previously imposed in the authorization of a Use Permit shall be subject to the same procedures as the previous Use Permit.

**7.6.d**

**Continuance**

Except where time limits are otherwise specified as a condition of authorization, any Use Permit that has been authorized by the Town Council or ZDRB may continue as authorized so long as it is not changed to another use or feature, or discontinued for a continuous period of one year or otherwise abandoned.

A Use Permit shall not be restored when it is abandoned or changed to another use or feature that is classified as a Use Permit in the land use area in which it is located, or significantly altered or intensified, except upon approval of a new Use Permit application by the Town Council or ZDRB.

Where a use or feature classified as a Use Permit in the land use area in which it is located lawfully exists at the effective date of this Ordinance, such use or feature shall be a permitted use by Use Permit without further authorization.

**7.6.e**

**Modification or Change of Use**

If an owner or other applicant has an approved Use Permit, but desires to change the use, he or she may apply to the Planning Officer. The Planning Officer shall review the existing Use Permit application, except for those designated as Retained Uses which shall follow the provisions established Section 5.5. Changes in use for existing commercial uses which are part of an approved Master Plan on file with the Town Clerk shall be reviewed by the Planning Officer; other Changes of Use in commercial districts shall be reviewed by the Town Council. If the Planning Officer or Town Council makes the findings listed below, they shall determine that the proposed new use is the same or substantially similar to the old use and that no new Use Permit will be required.

- 1 The use is clearly a use permitted by Use Permit in the applicable land use designation;
- 2 The findings made in approving the previous use can also be made for the proposed new use; and
- 3 The conditions imposed on the existing Use Permit are applicable to the new use and that the standards of this Ordinance and the Design Ordinance do not require the imposition of any new conditions.

If the Planning Officer or Town Council cannot make the findings, the application shall be denied. If the change in use is still desired, the applicant shall apply for a new Use Permit as established in this Section 7.6.

## SECTION 7.7

## EXCEPTIONS

### 7.7.a

### General Conditions

The following general conditions shall apply to all Exceptions for accessory building setbacks in residential districts and setback exceptions for homes on small lots under 5,000 square feet within the H District:

- 1 The ZDRB shall hear and make determination regarding applications for Exceptions from the strict application of quantitative setback standards, for accessory buildings in residential zoning districts and for residential buildings on lots under 5,000 square feet in the H District, described in this Ordinance and the Design Ordinance. The Board shall have power only to grant Exceptions that are in harmony with the general purpose and intent of this Ordinance and the Design Ordinance. The Board shall have power to grant Exceptions only to the extent necessary to overcome practical difficulty as established in the provisions of this Section;
- 2 No Exception shall be granted, in whole or in part, that would:
  - a Have an effect substantially equivalent to a reclassification of property;
  - b That would permit any use not expressly permitted for the land use designation in which the property is located;
  - c That would grant a privilege that should be administered under a Use Permit procedure;
  - d That would change a definition in this Ordinance;
- 3 The procedures for Exception shall be as specified in this Section 7.7 and in Section 7.1, Applications and Hearings; and
- 4 In granting any Exception the ZDRB, or Town Council on appeal shall specify the character and extent of the Exception, and shall also prescribe specifications and conditions necessary to secure the objectives of this Ordinance and the Design Ordinance. Once any portion of the granted Exception is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition shall constitute a violation of this Ordinance and may constitute grounds for revocation of the Exception. The conditions may include time limits for carrying out the Exception; otherwise, any exercise of a Exception must commence within a reasonable time.

### 7.7.b

### Findings Required

The ZDRB shall hold a hearing on the application. An Exception shall be granted only if the facts presented establish the following:

- 1 There are unusual circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- 2 Due to unusual circumstances not created or attributable to the applicant or owner of the property, the literal enforcement of the provisions of this Ordinance would result in practical difficulty;
- 3 This Exception will not constitute a grant of special privilege that is inconsistent with limitations imposed on similarly zoned properties;
- 4 This Exception will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- 5 The granting of such Exception will be in harmony with the general purposes and intent of this Ordinance and will not adversely affect the General Plan.

**SECTION 7.8**  
*(previously Section 7.7)*

**APPEALS**

**7.8.a** **A p p l i c a b i l i t y**  
In the case of any Variance, Use Permit or Design Review action described in Sections 7.3, 7.5 and 7.6 of this Ordinance and in the case of any order, requirement, decision or other determination, the procedures for appeals shall be as described in this Section 7.8.

**7.8.b** **G e n e r a l   C o n d i t i o n s**  
Any person aggrieved by any determination, interpretation, decision, decree, judgment, or similar action taken by the Planning Officer or the ZDRB under the provisions of this Ordinance and the Design Ordinance, may appeal such action to the Town Council as follows:

- 1 Actions or determinations of the ZDRB may be appealed to the Town Council;
- 2 Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the Town Clerk not later than five o'clock p.m. of the tenth working day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in Section 7.1;
- 3 a stay of proceedings is an action of the ZDRB, so appealed by the Town Council, in accordance with this Section 7.8;
- 4 The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 7.1, and shall conform to the manner in which the original notice was given and the original hearings were conducted;
- 5 The Town Council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of the Council;
- 6 Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed; and
- 7 All rights of appeal are exhausted when the proceedings set forth in this section have been consummated.

**7.8.c** **C r i t e r i a   f o r   A p p e a l**  
The appellate body in acting upon an appeal in accordance with this Section, may impose or prescribe conditions in its resolution as are necessary to serve the objectives of this Ordinance. The appellate body shall make a written determination of its decision together with its findings, as required by this Ordinance.

**7.8.d** **S t a y   o f   P r o c e e d i n g s**  
A stay of proceedings is an action of the ZDRB, appealed by the Town Council, in accordance with this Section 7.7.



**SECTION 7.9      CERTIFICATION OF USE AND OCCUPANCY**  
*(previously Section 7.8)*

**7.9.a**

**Permit Required**

No vacant land in any land use designation established under the provisions of this title shall be occupied or used except for agricultural purposes. No building that is erected, structurally altered or moved into any such land use area shall be occupied until a Certificate Of Use And Occupancy is issued by the building official as specified in the building code.

**7.9.b**

**Residential Uses**

No such certificate shall be required for residential uses and buildings permitted in an RS land use designation or for permitted residential uses and buildings, except for home occupations.

**7.9.c**

**Application**

Application for the required Certificate Of Use And Occupancy shall be made to the Planning Officer before any land or building is occupied or used. The following conditions require a Certificate Of Use and Occupancy: a new use, a change of use, a change of ownership, an existing building that is altered or moved. No permit for excavation for any building shall be issued before application has been made for a Certificate Of Use And Occupancy.

**7.9.d**

**Issuance**

A Certificate Of Use And Occupancy shall be issued within three days after:

- 1    Written notice that the premises are ready of occupancy or use; and
- 2    Inspection indicates that the building or use is in conformity with this Ordinance and other regulations.

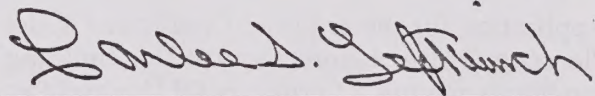
SECTION 7.10 ADOPTION  
(previously Section 7.9)

ORDINANCE NUMBER 243-94

WHEREAS, Public Hearings were held on January 25, 1994 and February 8, 1994; and

WHEREAS, the Yountville Town Council has received public comment and reviewed the amendments to Ordinance Number 231-92.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Yountville, State of California, that Ordinance Number 231-92 is amended and said amendments incorporated in and become part of the original Ordinance.



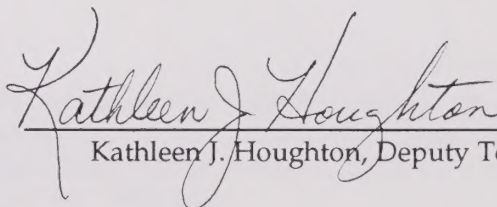
Carlee S. Leftwich, Mayor

STATE OF CALIFORNIA)  
COUNTY OF NAPA)  
TOWN YOUNTVILLE)

I, Kathleen J. Houghton, Deputy Town Clerk of the Town of Yountville, do hereby certify that the foregoing Ordinance had its first reading on January 25, 1994 and had its second reading on February 8, 1994, and was passed by the following vote:

AYES:	Reeves, Houghton, Holt, Jefferson, Leftwich;
NOES:	None;
ABSTAIN:	None;
ABSENT:	None.

ATTEST:



Kathleen J. Houghton, Deputy Town Clerk

END OF ORDINANCE







U.C. BERKELEY LIBRARIES



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